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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SHAW).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 1, 2003.

I hereby appoint the Honorable E. CLAY SHAW, Jr. to act as Speaker pro tempore on this day.

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

PRAYER

Imam Hassan Qazwini, Leader, The Islamic Center of America, Detroit, Michigan, offered the following prayer:

Respected Congressmen and Women, I would like to greet you with the greeting of Islam. Peace be with you in the name of Allah, the Compassionate, the Merciful.

Glory be to Allah, the Lord of Abraham, Moses, Jesus, and Muhammad. As we commence our legislative day in this 108th Congress, we ask You to bestow Your blessing upon us and help our legislators enact that which pleases You and ensures the interest of our people. Lend Your infinite wisdom to this Congress and allow them to embrace what is right, not what is popular.

As our Nation faces many challenges, we beseech Your guidance. And as we pursue those who intend harm to our country, let us seek justice rather than revenge. Guide our leaders to use the influence of their power as an instrument for the betterment of all humankind and peace throughout the world.

Oh, Allah, endow the people of this great land with a growing trust in one another and an increasing faith in You. Help us all uphold our God-given rights of freedom and equality. Allow us never to evoke Your law by embracing color or creed as tools for superiority. As You say in the Holy Koran, ''Oh people, We had created you from one male and one female, and made you into nations and tribes so that you may know one another. Verily, the best amongst you are those who are the most pious.''

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. CONYERS 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 bill of the House of the following title:

H.R. 1925. An act to reauthorize programs under the Runaway and Homeless Youth Act and the Missing Children's Assistance Act, and for other purposes.

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

S. 1261. An act to reauthorize the Consumer Product Safety Commission, and for other purposes.

S. 1680. An act to reauthorize the Defense Production Act of 1950, and for other purposes.

WELCOMING IMAM HASSAN AL-QAZWINI

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

Mr. DINGELL. Mr. Speaker, I would like to extend the greetings of the House of Representatives to my constituent and friend, the Imam Hassan Al-Qazwini of the Islamic Center of America of Dearborn, Michigan, as our guest chaplain.

Imam Qazwini's life is a testament to the greatness of our Nation and its devotion to freedom of religion, freedom of conscience, and universal liberty. His life story is remarkable and moving, and his dedication to his adoptive homeland should make us all proud.

Imam Qazwini was born to a prominent religious family in Karbala, Iraq, and became a student at the Islamic Seminary in Qum, Iran. His family in Iraq were Shiites, and actively opposed the tyranny of Saddam Hussein. For their courage they were persecuted. Fourteen of his relatives were either executed or imprisoned by the Ba'athists.

Imam Qazwini has become a leading voice for Muslims in America. He has spoken movingly of the need for reconciliation, for tolerance, and for the recognition of our shared humanity. He has worked with leaders in both the Christian and the Jewish communities to help bridge the differences between us and to dispel prejudice. His work has touched Muslim and non-Muslim alike, and his devotion to our State and our community of Dearborn has been recognized by the mayor, the governor, and by President Bush.

Mr. Speaker, as I have said before, Imam Qazwini's life is a statement on

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the greatness of our Nation. In only a few years, he has become a leader in our Nation's religious life, and he has met twice with President Bush.

I am proud that he is here today and was able to give this body a moving start to our day.

Imam, you have been most welcome here today and we are honored that you are with us.

SUPPORTING BAN ON PARTIAL-BIRTH ABORTION

(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, partial-birth abortion is a horrific and heinous procedure which attacks the very dignity of women at the most fundamental level. As a mother and as an ardent human rights activist, I have fought tirelessly to ensure that all are guaranteed the most basic of human rights, the right to life. The Universal Declaration of Human Rights, the fundamental international document on human rights, states that ''Everyone has the right to life, liberty and security of person.''

Some of my colleagues who support partial-birth abortion are the first ones to rightly advocate the prohibition of cruelty against others or even against helpless animals. But how can some cringe in horror when an animal is tortured, yet they do not think twice about the unspeakable suffering of an innocent baby being killed through this so-called medical procedure?

I urge my colleagues to finally pass the bill outlawing this act and send it to the President for his signature.

WELCOMING IMAM HASSAN QAZWINI

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

Mr. CONYERS. To my colleagues this morning, I am very delighted to entertain Imam Hassan Qazwini and seven other members from the Muslim community in Detroit and Dearborn, Michigan. He and I are very good friends and I am honored that the Islamic Center of America is located in my congressional district. I am also proud of the fact that they are building what might likely be the largest religious center for Muslims in the United States, which will be in Dearborn, Michigan, which my colleague and the dean of the House, Mr. DINGELL, and I both represent.

The important point I would leave with you in extending my welcome is that Imam Qazwini has worked tirelessly with those of us Christians, Muslims and Jews to continue a dialogue that has taken place more than a dozen times in Detroit and in the District of Columbia with the help of my former staffer, Ms. Alexia Smokler, and my current general counsel of the Committee on the Judiciary, Burt Wides. We have worked together with Congressman DINGELL to continue the discussion that is so necessary for us to come together, understand each other's cultures and also be amazed at the similarities of concerns that we raise.

It is in that spirit that I too join in the welcome to the House of Representatives on this day to Imam Qazwini.

GOOD FISCAL NEWS

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

Mr. PITTS. Mr. Speaker, good news on the fiscal front from Pennsylvania. Pennsylvania Secretary of Revenue Greg Fajt said this week that State revenues for September were up 6.4 percent, higher than expected. In fact, every revenue source has reported an increase for the fiscal year. Sales tax, corporate income tax, personal income tax and even the realty transfer tax and the inheritance tax have produced unexpected dollars for the State treasury. For the entire year, the cash has come in at 2.9 percent or $134.9 million over the estimate.

In addition, the Small Business Survival Committee has ranked Pennsylvania's tax code 17th in the Nation for its friendliness to small business. That ranking was based on being last in corporate income taxes, 10th in personal income, 21st in property taxes and 2nd lowest in bureaucrats per 100 residents.

I hope what is happening in Pennsylvania is symptomatic of what is happening in other States in our country as we seek to make Pennsylvania and America a better place to provide jobs and raise our families.

TIME FOR U.S. TO GET OUT OF IRAQ

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

Mr. KUCINICH. It is time for the United States to get out of Iraq. It is time to get the U.N. in and the U.S. out, to bring our troops home and to end this sorry exercise in preemption and unilateralism.

America can ill afford to spend $87 billion on top of $179 billion in support of a war which has no end, no exit, no logic and no sense. It is time to come up with a plan to get the U.N. in and the U.S. out. We must work with the world community on this.

Today the administration will tell Congress that it was deceived by Saddam Hussein into thinking that Iraq had weapons of mass destruction. Let this Congress not be deceived by an administration that took this Nation into a war we did not have to fight. Bring our troops home.

Vote against the $87 billion; U.N. in and U.S. out of Iraq.

SUPPORTING THE PRESIDENT'S WAR ON TERRORISM SUPPLEMENTAL REQUEST

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

Mr. WILSON of South Carolina. Mr. Speaker, I rise today in support of President George W. Bush's supplemental request of $87 billion for the war on terror. This will support our troops who were historically successful in combat and helped develop Iraq so that we can win the peace.

After World War II, America led the effort in the Marshall Plan to rebuild Germany. We prevented Germany from becoming a breeding ground for Communists and we defeated communism. Today we can redevelop Iraq and prevent it from becoming a breeding ground for terrorists and we will defeat terrorism. This funding is mutually beneficial for the people of America and Iraq.

We cannot abandon the newly freed people of Iraq and allow the terrorists to regain strength. We can either fight the terrorists overseas or on the streets of America.

I believe that every dollar of this supplemental is a weapon which will help save American lives. I encourage Members to stand firm in our promise to win the fight in the war on terror.

In conclusion, God bless our troops.

IMMIGRANT WORKERS FREEDOM RIDE

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

Ms. SOLIS. Mr. Speaker, I would like to call attention to the hundreds, if not thousands, of workers that will be converging on Washington, D.C. today as part of the Immigrant Workers Freedom Ride. The Freedom Riders are construction workers, cooks, farmworkers, landscapers, nurses, janitors, and even nannies. They work hard and they pay taxes. Like the Freedom Riders of 1961, today's Freedom Riders are advocating an end to unfair policies and unjust treatment. These policies deny millions a clear road to citizenship and make them vulnerable to abuses in the workplace.

We should enact laws that reflect the reality of our economy's labor needs and that recognize the important contribution of immigrants. That is why I have introduced a resolution today supporting Freedom Ride and urging President Bush and the Congress to reform our broken immigration system.

Over 2 years ago, President Bush pledged his support for an earned adjustment program for undocumented immigrants but has yet to deliver. Millions of immigrants and their families continue to live in the shadows, wanting to participate fully in American society.

I urge my colleagues to support my resolution and call on the President and Congress to support the policies that ensure that all workers are treated with dignity and respect.

NEWS WE DO NOT HEAR ABOUT FROM IRAQ

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

Mr. KIRK. Mr. Speaker, I just returned from Iraq with 15 bipartisan colleagues, and I learned that 90 percent of Western reporters have left Iraq. Those who remain can only get their stories out if they report injuries to Americans. We are not allowed to learn what else is happening in Iraq.

The press does not like to report on other press, but that is a story here. Iraq had only one newspaper, Uday Hussein's newspaper. Now it has over 100, like Azzaman, Ashiraa, Ibn Al-Balad, Al-Nahdhah, Al Mutamar, and an English-language newspaper, Iraq Today. But today is also the first day of school in Iraq, and we have now bookbags given to children in Iraq. This is a bookbag filled with school supplies, notes, calculators, rulers, pens, papers, that went to 1.5 million Iraqi children for the start of school. These are also things that are happening in Iraq, but we are not allowed to hear about them from our newspapers.

THE NATIONAL DEBT

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

Mr. MATHESON. Mr. Speaker, I want to draw attention to the issue of national debt. It has been 874 days since this administration came into office. During that time, the national debt has increased by $1,142,246,097,598, and according to the Web site for the Bureau of the Public Debt at the U.S. Department of Treasury, yesterday at 4:30 p.m. eastern daylight time, the Nation's total outstanding debt was $6,782,571,483,957. Furthermore, in the current fiscal year we are in, 2003, which actually ended yesterday, interest on our national debt or what I call the ''debt tax'' is $304,978,878,641.

It is time for Congress to pay attention to this disturbing trend.

A SALUTE TO THE 495TH TRANSPORTATION COMPANY

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

Mr. PUTNAM. Mr. Speaker, I rise today to welcome home the more than 100 men and women of the Florida National Guard's 495th Transportation Company from Lakeland, Florida as they arrive back in the United States and return to their families. I want to thank them for their courage, their service, their bravery, and I want to thank their families for their patience through this long ordeal. The 495th took small arms fire during its tenure in the desert, luckily without casualties.

Floridians should be proud of the service and tremendous accomplishments of the 495th Transportation Company. These men and women risked their lives and made sacrifices to keep our country safe and secure and secure those same blessings for the Iraqi people.

Mr. Speaker, the men and women of the 495th Transportation Unit have each played an invaluable role in their own communities for years. They are now home again to retake their place in businesses, schools, fire stations and farms. And I believe Staff Sergeant Stephanie Miller said it best: ''I'm just glad to be home. Glad we made it back safe.''

God bless Stephanie. God bless all her colleagues, and may God continue to shower his blessings upon this great land.

URGING CONGRESS TO VOTE AGAINST PAYMENT FOR RECONSTRUCTION IN IRAQ

(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, let me associate myself with the words of the gentlewoman from California (Ms. SOLIS) to welcome the Immigrant Freedom Riders who will be coming to the United States Government to petition for equality and justice similar to the movement and rise made by those who fought hard in the Civil Rights movement.

As I think about civil rights and civil justice and liberty, I cannot help but be so very proud of the young men and women who stand on the front lines in Operation Iraqi Freedom. I say to the parents and friends and family members who have lost those who gave the ultimate sacrifice, we will never forget. I also want to make mention, Mr. Speaker, of those who lay wounded in our hospitals without eyes, without limbs, and that is why I rise today to point out to the American people and to this Congress that it would be unpardonable, it would be atrocious for us to randomly vote for $87 billion that is being asked by this administration without first bifurcating the vote, voting for the troops and the resources that they need, the armor that they need, but yet looking to distinguish between the reckless dollars that they are spending in this so-called reconstruction without allies.

I am glad the children of Iraq have bookbags. The children in Houston, Texas do not have any bookbags. It is time for this Congress to take up its responsibility and not vote for the $20 billion for reconstruction and support our troops.

UNFUNDED LIABILITIES AND THE DEFICIT

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

Mr. SMITH of Michigan. Mr. Speaker, the good news is that there are indications that we are having an economic recovery. In both the third and fourth quarter, we are looking at economic expansion much greater than what was earlier predicted. But this still leaves a great obligation for this Chamber and the Senate and the White House to look at the reality of the situation where we are spending more money than what is coming into government. The Congressional Budget Office estimates that the last fiscal year of 03 we will have a deficit of $562 billion. This fiscal year for 2004, we are going to have a deficit, which means spending over and above revenue of $640 billion. That does not include the $87 billion for Iraq.

We need to start looking not only at the debt burden that we are leaving our kids and our grandkids, but the unfunded liabilities. These are promises that we have made in programs such as Social Security where we do not have enough money to pay promised benefits. We need to consider all of these unfunded liabilities and the deficit along with the mounting cost of servicing this debt. And I hope my colleagues will join me in sponsoring my Social Security bill, H.R. 3055.

THE FOX INSPECTING THE HENHOUSE

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

Mr. MCDERMOTT. Mr. Speaker, I am pleased to announce that the theater of the absurd is opening a new farce. The plots of the old one, the fox, Mr. Ashcroft, is inspecting the henhouse, looking for someone who broke the law by revealing an alleged CIA employee to the press.

Does anyone believe that they are going to use all the power of the Patriot Act, that they are going to go through the library records, the medical records, the visa records of everybody in the White House to find out who committed this crime? How can this Congress sit here with a straight face and allow that to be the way this issue is revealed? There ought to be an independent counsel. There is no way you can convince the American people that John Ashcroft, whose campaign manager was Karl Rove in the last election he lost, is going to do a real investigation of who broke the law in the White House.

This Congress cannot let that go by because no intelligence agent is going

to be safe in the United States if the fox has his way.

PARTIAL-BIRTH ABORTION

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

Mr. RYUN of Kansas. Mr. Speaker, partial-birth abortion is a risky procedure. A doctor blindly stabbing scissors into a baby's skull leaves too much room for error. A small slip can have life-threatening consequences for the woman.

Women deserve better. They deserve better than being subjected to a procedure as horrific as a partial-birth abortion. They deserve better than enduring a painful 3-day process that puts their health in jeopardy.

But women usually do not choose to have partial-birth abortions. It is done to them because, as in the words of Dr. Martin Haskell he finds, ''dismemberment at 20 weeks and beyond to be difficult due to the toughness of fetal tissues at this stage.'' It also spares the abortionist the messy task of counting baby body parts.

And contrary to what many Americans think, a partial-birth abortion may be legally performed up until the day a healthy baby is born for virtually any reason.

I oppose this violent procedure for many reasons, but everyone should oppose it for this reason alone, because women deserve much better. I urge my colleagues to join me in voting this week to ban partial-birth abortions forever.

VOTING AGAINST PAYMENT FOR RECONSTRUCTION IN IRAQ

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

Ms. WATERS. Mr. Speaker, I am not going to support the President's request for $87 billion to continue the war in Iraq. We asked him to continue the inspections, he chose to do a preemptive strike. And now he is telling us that we have got to pay for the reconstruction of Iraq. I am not going to support that. They told us that the oil that they would get, revenues that they would get from Iraq, would support the reconstruction. Now, we have colleagues coming on the floor, telling us what a wonderful job they are doing and showing us bookbags that they have for the children of Iraq. I want the Members to know children in my district do not even have books to put in bookbags, and we have Members on the other side of the aisle who do not support more Federal funding to local school districts. They say it is a local school district problem.

Give me a break, Mr. President. The covers are off. He has mismanaged this war. He has made promises. The only one who is benefitting from this war is Mr. CHENEY's company, Halliburton, that is getting contracts that were not competitive. The President will not get a vote from me for $87 billion.

SUPPORT THE AMERICAN DREAM DOWN PAYMENT ACT

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

Mr. BURNS. Mr. Speaker, I rise today to voice my support for a bill that will be on the floor later this afternoon, H.R. 1276, the American Dream Down Payment Act. Good quality housing is crucial to the strength of our communities and our Nation. Today more Americans own their homes than ever before; yet despite this success, the lack of homeownership in some of our low-income communities has become a crisis.

For everyone to be able to live the American dream, we should look at providing programs that address the unique housing needs of all people. The goal of H.R. 1276 is to increase the ownership rate among minorities and to revitalize and stabilize our communities. For many low-income households, the down payment is one of the major barriers to homeownership. The American Dream Down Payment Act will benefit these families by helping them realize the American dream of homeownership.

I urge my colleagues to provide hope by supporting the gentlewoman from Florida's (Ms. HARRIS) bill on the floor today. Support H.R. 1276, the American Dream Down Payment Act.

TAX CUTS AND OUR ECONOMIC SITUATION

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

Mr. BROWN of Ohio. Mr. Speaker, the economy in my part of the country continues to drift; yet Congress and the President continue to fiddle. Three and a half million jobs lost since President Bush took office. Two and a half million manufacturing jobs have vanished, one out of ten manufacturing jobs in this country. It simply disappeared; most moved overseas in the last 2½ years. Plant closing after plant closing. Now, the President asks us for $87 billion with no accountability, $87 billion to Iraq.

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Yet the President at home is cutting education, is cutting spending on health care, will not provide a prescription drug benefit, and even is cutting veterans benefits. Why? For the simple reason that he wants this war on the cheap and the simple reason that he wants to continue to give tax cuts to the most privileged people in this society.

Forty-two percent of the tax cuts have gone to the richest 1 percent of people in this country. That means a millionaire gets a $93,000 tax cut. Half of my constituents got nothing.

CELEBRATING FREEDOM FOR IRAQI CHILDREN

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

Mrs. MILLER of Michigan. Mr. Speaker, today marks another watershed moment in the liberation of the Iraqi people. Today, the children of Iraq return to school. Only this year, things will be much different. When they enter their schoolroom, for the first time in their lives, they will not have their oppressor staring at them from a picture on the wall. Nor will they be subject to torture and prison for not swearing allegiance to that oppressor. For the first time they will be free to learn. They will be focused on reading, writing and arithmetic, not on hate, incitement, and brutality forced on them by the former dictator.

Operation Iraqi Freedom has brought freedom to the children of Iraq. They will now be free to learn, free to achieve, and free to help build a new society based on freedom, which is now a reality.

For all of those who question whether we have been successful in Iraq, I ask that they look at the faces of the Iraqi children who will be tasting freedom for the first time in their young lives and ask if they would be better off with Saddam staring at them from a wall.

Today is a day to celebrate the freedom of Iraqi children and the hope for a new generation.

NOW IS NOT THE TIME TO DESERT OPERATION IRAQI FREEDOM

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

Mr. KINGSTON. Mr. Speaker, we are about half way, maybe not half way, but we are at a critical juncture in our mission in Iraq; but the Democrats want to bail out now. They want to pull the rug out from under the President of the United States so badly that they are willing to strand the people in Iraq and even endanger our soldiers. I think it is outrageous.

If we listen to the Presidential debates on the Democrat side, Dean, Kerry, Clark, it does not really matter what they say today, because tomorrow they will be saying the opposite thing. It is like a jam session of the first amendment without any responsibility to what your words are.

But let us look at the situation in Iraq. We have a very successful military operation that is on balance. I do not want another American soldier or any soldier or any citizen to get killed, obviously. But we have done a remarkable job, and we have secured the country.

Look at the situation of the citizenry. They are standing forward, they are in power, they are getting police forces in each town, they are getting a militia going. Look at the infrastructure of freedom that is emerging: 150 newspapers, health care benefits, electricity and water. All of this is happening. It is not the time to retreat and pull the rug out from under the people of Iraq or our military. Let us pass the supplemental.

9–11 HAD NOTHING TO DO WITH ATTACK ON IRAQ

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it really is time for us to admit the truth. Mr. Speaker, 9–11, 2001 had nothing to do with the unilateral first strike on Iraq. We think that when we mention the word ''terrorist'' that it is a buzzword and we all are supposed to understand that that is the reason why the attack came to Iraq. That is not true. It never has been true. It is not true now.

Each time we talk about the cost of this war, we mention 9–11. It has nothing to do with that. It has more to do with trying to take over a country because you disagree with the leader, just like somebody could take this one over because they disagree with our leader, and boss it, steal their oil, or whatever. But we need to tell the truth about it. It is not the truth that it has anything to do with 9–11.

Mr. Speaker, we are taking our public to be stupid when we continue to say that 9–11 is connected with the Iraq attack. If that had to do with it, we would have the support of the U.N. We do not, because we made unilateral, first strikes without a reason, because we were not under immediate danger.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

AMERICAN DREAM DOWNPAYMENT ACT

Mr. NEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1276) to provide downpayment assistance under the HOME Investment Partnerships Act, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1276

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 ''American Dream Downpayment Act''.

SEC. 2. DOWNPAYMENT ASSISTANCE INITIATIVE UNDER HOME PROGRAM.

(a) DOWNPAYMENT ASSISTANCE INITIATIVE.—Subtitle E of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12821) is amended to read as follows:

''Subtitle E—Other Assistance

''SEC. 271. DOWNPAYMENT ASSISTANCE INITIATIVE.

''(a) GRANT AUTHORITY.—The Secretary may make grants to participating jurisdictions to assist low-income families to achieve homeownership, in accordance with this section.

''(b) ELIGIBLE ACTIVITIES.—

''(1) IN GENERAL.—Amounts made available under this section may be used only for downpayment assistance toward the purchase of single family housing by eligible families. For purposes of this title, the term 'downpayment assistance' means assistance to help a family acquire a principal residence.

''(2) ELIGIBLE FAMILIES.—For purposes of this section, the term 'eligible family' means a family who—

''(A) is a low-income family and a first-time homebuyer; or

''(B) notwithstanding the income limitation under section 215(b)(2)—

''(i) includes a uniformed employee (which shall include policemen, firemen, and sanitation and other maintenance workers) or a teacher who is an employee, of the participating jurisdiction (or an agency or school district serving such jurisdiction) that is providing the downpayment assistance under this section for the family; and

''(ii) has an income, at the time referred to in subparagraph (A), (B), or (C) of section 215(b)(2), as appropriate, and as determined by the Secretary with adjustments for smaller and larger families, that does not exceed 115 percent of the median income of the area, except that, with respect only to such areas that the Secretary determines have high housing costs, taking into consideration median house prices and median family incomes for the area, such income limitation shall be 150 percent of the median income of the area, as determined by the Secretary with adjustments for smaller and larger families.

''(c) HOUSING STRATEGY.—To be eligible to receive a grant under this section for a fiscal year, a participating jurisdiction shall include in its comprehensive housing affordability strategy under section 105 for such year—

''(1) a description of the use of the grant amounts;

''(2) a plan for conducting targeted outreach to residents and tenants of public housing, trailer parks, and manufactured housing, and to other families assisted by public housing agencies, for the purpose of ensuring that grant amounts provided under this section to a participating jurisdiction are used for downpayment assistance for such residents, tenants, and families; and

''(3) a description of the actions to be taken to ensure the suitability of families provided downpayment assistance under this section to undertake and maintain homeownership.

''(d) FORMULA ALLOCATION.—For each fiscal year, the Secretary shall allocate any amounts made available for assistance under this section for the fiscal year in accordance with a formula, which shall be established by the Secretary, that considers a participating jurisdiction's need for and prior commitment to assistance to homebuyers. The formula may include minimum allocation amounts. In considering a participating jurisdiction's prior year's commitment to assistance to homebuyers, the formula shall consider amounts committed to such purpose under the HOME investment partnerships program, the community development block grant program, mortgage revenue bonds, and prior year's funding from State and local governments, provided that the data underlying such funding is uniform, verifiable, and accurate by the State and local government, and shall consider other factors that the Secretary determines to be appropriate.

''(e) REALLOCATION.—If any amounts allocated to a participating jurisdiction under this section become available for reallocation, the amounts shall be reallocated to other participating jurisdictions in accordance with the formula established pursuant to subsection (d), except that if a local participating jurisdiction failed to receive amounts allocated under this section and is located in a State that is a participating jurisdiction, the funds shall be reallocated to the State.

''(f) APPLICABILITY OF OTHER PROVISIONS.—

''(1) IN GENERAL.—Except as otherwise provided in this section, grants under this section shall not be subject to the provisions of this title.

''(2) APPLICABLE PROVISIONS.—In addition to the requirements of this section, grants under this section shall be subject to the provisions of title I, sections 215(b) (except as provided in subsection (b)(2)(B) of this section), 218, 219, 221, 223, 224, and 226(a) of subtitle A of this title, and subtitle F of this title.

''(3) REFERENCES.—In applying the requirements of subtitle A referred to in paragraph (2)—

''(A) any references to funds under subtitle A shall be considered to refer to amounts made available for assistance under this section; and

''(B) any references to funds allocated or reallocated under section 217 or 217(d) shall be considered to refer to amounts allocated or reallocated under subsection (d) or (e) of this section, respectively.

''(g) ADMINISTRATIVE COSTS.—Notwithstanding section 212(c), a participating jurisdiction may use funds under subtitle A for administrative and planning costs of the jurisdiction in carrying out this section, and the limitation in section 212(c) shall be based on the total amount of funds available under subtitle A and this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $200,000,000 for each of fiscal years 2004 and 2005.''.

(b) RELOCATION ASSISTANCE AND DOWNPAYMENT ASSISTANCE.—Subtitle F of title II of the Cranston-Gonzalez National Affordable Housing Act is amended by inserting after section 290 (42 U.S.C. 12840) the following new section:

''SEC. 291. RELOCATION ASSISTANCE AND DOWNPAYMENT ASSISTANCE.

''The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 shall not apply to downpayment assistance under this title.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentlewoman from California (Ms. WATERS) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1276 and to insert extraneous material thereon.

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

There was no objection.

Mr. NEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, today I rise in support of H.R. 1276, the American Dream Downpayment Act. There are many people that we need to thank for the point that we have gotten to today to have this tremendous piece of legislation here on the floor of the House. This was a commitment made by President Bush to do this piece of legislation, and Secretary Mel Martinez brought this to our committee when I became chairman of the Subcommittee on Housing and Community Opportunity.

I have to also directly thank the gentlewoman from California (Ms. WATERS), our ranking member of the subcommittee, for all of her work, her bipartisan spirit, and her concern for housing for all people from all walks of life, from the rural and urban areas across the United States. I want to thank the gentleman from Ohio (Mr. OXLEY) above all, who is chairman of the full committee, for his dedication to this important piece of housing legislation, and obviously also to the gentleman from Massachusetts (Mr. FRANK), the ranking member of the full committee. Also on our side of the aisle, and I am sure it will be recognized on the Democrat side of the aisle, but Bob Foster, Carter McDowell, and Peggy Peterson of the gentleman from Ohio's (Chairman OXLEY) staff, and also the staff of the Subcommittee on Housing and Community Opportunity: Clinton Jones, Cindy Chetti, Tallman Johnson, Bob Weisberg, and Hugh Halpern. Again, I want to thank all of these individuals for coming together to support the American Dream Downpayment Act.

This bill was introduced by the gentlewoman from Florida (Ms. HARRIS). This initiative is designed to assist thousands of low-income families realize the American dream of homeownership. Moreover, this new group of homeowners is expected to boost the American economy with an infusion of roughly $256 million.

The benefits of homeownership for families, communities, and our country are obviously profound. When our citizens own homes, they establish roots and therefore have a greater stake in their community's growth, safety, and development.

While the national homeownership rate has steadily risen and is at an all-time high of 60 percent, there are sectors of our population, Mr. Speaker, for whom homeownership remains unattainable. In fact, the homeownership rate for African Americans and Hispanics is less than 50 percent. Clearly, this is unacceptable. More can and should be done to help all of our citizens realize the true benefits of owning a home.

If the persistent gap in minority homeownership is to be substantially narrowed, the structural barriers to homeownership, particularly the lack of capital for downpayments and closing costs, must be addressed. I believe this is one of the major points to the bill. I can remember when my father was able, finally, after 20 years of saving for a downpayment, was able to acquire a house. I was about 10 years old. It was the greatest day of our lives. But I do not think people ought to have to wait 5, 10, 15 years to try to get the downpayment. They will struggle to make the mortgage payment, they will work two jobs to do it, families will; but that downpayment is a serious problem for many people. This legislation eliminates that barrier for families struggling to save for a downpayment, but otherwise would qualify for homeownership. Many low-income Americans, particularly in minority communities, can meet a monthly mortgage payment, but they cannot afford the downpayment and closing costs associated with a standard residential loan.

Improving the ability of Americans to make the transition to homeownership will be an important test of the Nation's capacity to create economic opportunity for minorities and immigrants and to build strong and stable communities. In most cases, the purchase of a home will be the largest and most significant investment an individual will make. Therefore, the home equity created by the home purchase represents a significant share of home household net worth for most American families.

This legislation will provide communities throughout America with $200 million in grants for each year in fiscal year 2004 and fiscal year 2005. An estimated 40,000 low-income families each year will achieve first-time homeownership. Each qualifying family will be given an average of $5,000 to be used toward downpayment and closing costs.

The American Dream Initiative will be administered as part of HUD's HOME investment partnerships program, known as HOME, an existing program that helps communities expand the supply of affordable housing for low and very low income families by providing grants to States and local governments.

Mr. Speaker, H.R. 1276 included language that would allow HUD to place a maximum cap on the amount of funds certain urban areas could receive under the American Dream program. During this consideration of this legislation in the full committee markup, the gentleman from New York (Mr. CROWLEY) expressed concern that this language would limit the amount of funds areas would be able to receive.

I would want to note, Mr. Speaker, we have removed the word ''maximum'' on page 5 of the bill as reported out of the committee. The removal of the word ''maximum'' makes the proposed formula in H.R. 1276 consistent with the pattern and practices of other programs under HUD such as HOME and CDBG, and assures that no arbitrary limit is placed on the amount of funds any particular area may receive.

I again want to thank everybody involved with this bill and Secretary Martinez for his personal involvement. I also want to commend the gentleman from Alabama (Mr. ROGERS) and the gentleman from Alabama (Mr. DAVIS) for their leadership on this important piece of legislation. Without their diligent support, this legislation would not have been possible.

In closing, Mr. Speaker, I want to note that when the gentlewoman from Florida (Ms. HARRIS) came to us at the beginning of the session, she said she wanted to be on the Subcommittee on Housing to make a difference for all Americans from all walks of life. I want to note to my colleagues today that she surely has made that difference. Through the leadership of the gentlewoman from Florida (Ms. HARRIS), a lot of people across this Nation are going to have, for the first time in their lives, the opportunity to have a home in a family setting.

Mr. Speaker, I urge my colleagues to support this initiative.

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

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

Mr. Speaker, I rise today to support H.R. 1276, the American Dream Downpayment Act, a bill to assist low-income families in achieving homeownership by providing downpayment assistance under the HOME Investments Partnership Act.

I would like to thank the chairman of our Subcommittee on Housing, the gentleman from Ohio (Mr. NEY), for his leadership. I would like to thank him for his evenhandedness in the management of the committee that helps to bring us all together in support of legislation that makes good sense for all of the Members of this Congress.

I would like to congratulate the gentlewoman from Florida (Ms. HARRIS) and tell her how fortunate she is as a new Member to have the support of her administration in seeing to it that she is able to have a bill that will truly do something for American families that we would all like to do. Normally, this bill would be thought of as a liberal bill. This is the kind of bill that the Democrats would normally roll out, if we were in power, because it is talking about spending money, it is talking about spending money for poor people who want to have homeownership, but cannot afford that downpayment.

□ 1045

Downpayments are very tough. Many people who pay their bills regularly, who have never missed paying their utility bills, they pay their rent on time, they work every day, just cannot manage to come up with that 10 percent or 15 percent or whatever is being required in those markets for downpayments. And so that is why this bill is so important.

It would create a new subtitle within the Home Investment Partnerships Act to authorize grant by formula to States and localities for the exclusive purpose of providing downpayment assistance to low-income first-time home buyers; families, that is, with 80 percent or lower of local median income, the formula to be established by HUD, based on a grantee's need for and prior commitment to assistance to home buyers.

The bill authorizes $200 million in funding in each of the next 2 fiscal years. The administration projects that $200 million in funding would assist 40,000 low-income home buyers. The downpayment assistance authorized under this will be administered by the Home Investment Partnership Program that is referred to as HOME. HOME is an existing grant program that helps communities nationwide expand the supply of housing for low- and very low-income families.

The House appropriated $125 million for this program in funding year 2004 VA-HUD appropriations bill approved by the House earlier this summer. This is an increase from the $75 million appropriated in the funding year 2003 VA-HUD budget for the program contained in the omnibus appropriations bill for funding year 2003 passed in February of this year.

Unfortunately, HUD is still writing regulations for this downpayment assistance program and has not yet released the funding year 2003 funding.

According to HUD study, entitled Barriers to Minority Home Ownership, the overall home ownership rate is 68 percent, while home ownership rates for African Americans and Latinos are 48 and 46 percent, respectively. The HUD report established that one of the most persistent barriers to minority home ownership is the lack of capital for downpayment and closing costs.

Without going into a lot more detail, Mr. Speaker, I simply want to say that this is a bill that will get support from both sides of the aisle. Democrats have been advocating for a long time for these kinds of expenditures to deal with the housing crisis in America, and so I expect that we will have unanimous support for this bill.

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

Mr. NEY. Mr. Speaker, I yield 5 minutes to the gentlewoman from Florida (Ms. HARRIS), the author of the bill.

Ms. HARRIS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise to urge my colleagues to support H.R. 1276, the American Dream Downpayment Act.

As our Nation continues to confront daunting threats both at home and abroad, we cannot neglect the most basic security of all, and that is a safe, clean, adequate place to live. Across our Nation, families and individuals are consigned to deplorable conditions in substandard housing. In a Nation that enjoys a level of wealth and material comfort that is unprecedented in human history, this state of affairs is unconscionable.

We have the power to address this obligation of a decent, compassionate society today. Better yet, we can attack the housing crisis besetting our Nation by attacking the poverty that underlies it.

H.R. 1276 constitutes the first step in fulfillment of President Bush's plan to create 5.5 million new minority home owners by the end of the decade. This visionary initiative will add $256 billion to the American economy.

As I have consulted with housing advocates throughout my district, I have repeatedly heard that a great number of low-income Americans could meet their monthly mortgage payment, but they cannot surmount that initial obstacle of a downpayment and closing costs. Thus, a steep entry fee is all that stands between many low-income Americans and the dignity, the stability, and the economic empowerment of home ownership.

The resulting home ownership gap, which disproportionately impacts African Americans and Hispanic Americans, has staggering economic and social consequences. Studies show that the average worth of a low-income person, about $900, skyrockets to $70,000 when they own a home. In 1998, owner-occupied property constituted 21 percent of all household wealth as well as more than 71 percent of all tangible wealth.

Moreover, the home ownership gap dramatically impacts the lives of our children. Statistics show that children of families who own their own home experience a 13 percent higher graduation together with a 7 percent accelerated rate in math achievement and reading recognition. Additionally, such children complete almost one half year more of education.

For the young people who live in homes their families own, they enjoy a greater level of self-esteem while receiving an indispensable educational exercise in the proper maintenance of personal property.

Mr. Speaker, H.R. 1276 empowers tens of thousands of low-income Americans to overcome this striking inequality in our land of opportunity. As a compassionate society, we have a moral obligation to empower individuals and families and communities with the tools to build their own prosperity. By authorizing a total of $400 million in grants to communities throughout America over fiscal years 2004 and 2005, this bill will enable 80,000 low-income Americans to purchase their first home.

As we proceed to a vote on this revolutionary bill, I would like to recognize the Bush administration and the gentleman from Alabama (Mr. ROGERS) for their continued commitment to extending quality, affordable housing to every American, as well as for their tremendous creativity in developing solutions that can help us achieve this goal.

Further, I wish to express my gratitude to the gentleman from Ohio (Mr. OXLEY) and the ranking member, the gentleman from Massachusetts (Mr. FRANK) of the Committee on Financial Services, as well as my deepest appreciation to the gentleman from Ohio (Mr. NEY) who has assisted me daily with this bill, and the ranking member, the gentlewoman from California (Ms. WATERS) of the Subcommittee on Housing and Community Opportunity for their outstanding leadership in shepherding H.R. 1276 through the legislative process.

Finally, I wish to acknowledge the support of the gentleman from California (Mr. GARY G. MILLER), as well as my dear friend, the gentleman from Arizona (Mr. RENZI) and the gentleman from Alabama (Mr. DAVIS) for his extraordinary bipartisanship. Their passionate dedication to fulfilling this moral imperative of quality affordable housing for every American continues to inspire us all.

I would like to thank our extraordinary committee staff for their diligence and expertise, as well as my outstanding staff member, Miguel Romano, for his diligent work on this bill.

Today, let us reaffirm the expansiveness of the American dream by passing this vital legislation.

Ms. WATERS. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Speaker, let me compliment my colleague, the gentlewoman from Florida (Ms. HARRIS) as the primary sponsor of this bill and let me compliment the chairman of the subcommittee, the gentleman from Ohio (Chairman NEY) for his leadership on this issue. Let me extend compliments as well to the ranking member of the subcommittee, who is present here today, the gentlewoman from California (Ms. WATERS) and the gentlewoman from California (Ms. LEE), who is not here.

We do a lot of things in this institution, Mr. Speaker. We argue about a lot of issues, but every now and then we manage to find something we agree on. Every now and then we manage to find something that has enormous bipartisan appeal. And that is how we have arrived at H.R. 1276. Whether it is in the district of the gentlewoman from California (Ms. WATERS) or my district or the district of the gentlewoman from Florida (Ms. HARRIS), wherever you go in this country, the American dream is very much expressed in terms of whether or not people have a chance to own a home.

As the gentleman from Ohio (Chairman NEY) said earlier, for the overwhelming majority of people in this country of ours, the only tool of wealth they will ever have, the only significant assets they will ever have is a home. We can talk about all the indices of community engagement, from whether you vote to whether or not you mow your lawn, to whether or not you participate in your neighborhood

association. The greatest correlator of community engagement is home ownership.

We look at our economy in the last 2 years, and all of us on both sides of the aisle would agree, if you take out the housing boom, if you somehow remove that from our economy, we would be deep in the throes of a 2½-year recession now.

This is very important work, and it is a compliment to the leadership on both sides of the aisle that this bill has made its way to the floor. And it is a compliment to the gentlewoman from Florida (Ms. HARRIS) and the gentlewoman from California (Ms. WATERS) that we have arrived at a consensus here today.

I want to make a few basic points. We have a lot of unfinished work on the housing front. No one on our side of the aisle would suggest that this is all that needs to be done. No one on our side on the aisle would suggest that the $200 million is the only commitment of resources that we ought to make. But rest assured that this $200 million commitment will result in over 40,000 low-income families receiving help in buying homes.

I can say briefly in conclusion, Mr. Speaker, as I travel around my district, we regularly do home ownership events, we regularly do housing events; and I always enjoy seeing the spark that I see in people's faces when they have a chance to finally become home owners. I enjoy seeing the spark when they know they are going to finally realize their piece of the American dream.

We have made this bill better. It was a good bill. We have made it a better bill. We have made the formula for calculating downpayment assistance a fair and better formula. We will address the unfinished aspects of this bill related to credit counseling. We will more forward on those fronts.

I encourage my colleagues, as I know they will today, to vote overwhelmingly for the American Dream Downpayment Act. I am proud to be one of the original sponsors of this bill, and I again compliment my friend from Florida for her leadership on this issue.

Mr. NEY. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. RENZI), a tremendous new member, but a member that has immediately gotten to work on our Subcommittee on Housing and Community Opportunity to help the people not only of his district, but of the Nation.

Mr. RENZI. Mr. Speaker, I would like to commend the gentlewoman from Florida (Ms. HARRIS), my friend, on her substantive and important bipartisan legislation.

H.R. 1276 will help tens of thousands of low-income Americans achieve the dream of owning their first home. We know equity in a home is the primary asset used by most American families to help their kids get to college. In addition, many small business owners use the equity in their home to borrow and start their first small businesses here in America, to help our growing economy and to support their growing families.

This legislation provides $200 million in grants to over 40,000 low-income families over the next 2 years. This money will assist low-income families with downpayments and closing costs.

Today, more than two-thirds of Americans own their home, but fewer than half of African American and Hispanic families are home owners and less than one-third are Native Americans. This legislation is a real help to all families. Studies have shown that math achievement and reading recognition levels are 7 percent higher for children with families who own their own home, and they complete almost a half-year more education if they have home ownership. High school graduation rates for children with families who own their own home are 13 percent higher than renting families.

Let us remove the obstacles and give deserving families a real chance. Rally around the leadership shown by the gentlewoman from Florida (Ms. HARRIS) and let us work together to pass this needed legislation.

Ms. WATERS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BACA).

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

Mr. BACA. Mr. Speaker, I rise in support of the American Dream Downpayment Act, H.R. 1276, sponsored by the gentlewoman from Florida (Ms. HARRIS) and of course my good friend, the gentleman from Ohio (Mr. NEY) who happens to be a Member from that area as well. His mother lives in Fontana. And of course our minority leader as well, who has been very instrumental, and that is the gentlewoman from California (Ms. WATERS), in fighting to ensure that many of the poor and disadvantaged have opportunities in many different areas. This is an area that she is fighting for to make sure that individuals have an opportunity to own a home for the very first time.

Right now, Hispanics and minorities are struggling to purchase homes at a far greater rate than the rest of the Nation. In my own district, the Hispanic ownership rate is only 59 percent. That is nearly 10 percent less than the national average, and it is 15 percent less than the national non-Hispanic white average.

In my own district, which is 58 percent Hispanic, it has become increasingly difficult for Hispanics to own businesses because there is a housing boom that is causing the prices to skyrocket. In our area, we have the majority of growth which continues to move from L.A. to Orange County into our area, but it has become difficult for them to become first-time home buyers.

The median housing price in San Bernardino County went from $116,000 in the year 2002 to $207,000 in August. That is a 29 percent increase.

□ 1100

Hispanics and minorities all over the Nation are struggling to keep up. Not only do Hispanics earn less in wages than the rest of the population, but Hispanic unemployment is rising as well. Right now, Hispanic unemployment is nearly 7.8.

At the same time, we have an administration that is pushing for programs to turn Section 8 low income-housing vouchers into State blocks. In California, and States with huge budget deficits, it will hurt the low-income minority population because they will not be able to rent, let alone buy a home.

But the American Dream Downpayment Act will help Hispanics and many other minorities become homeowners. It will help low-income and first-time home buyers make downpayments on their first home. We must make sure we give them that opportunity.

I know what it was like because I come from a large family of 15, and let me tell my colleagues for the very first time that my dad was able to purchase a home, while it was very difficult, we fell under that category, but it was important for me and for my family to have stability. We had a foundation for the very first time. We were able to own a home that we never owned before because we were moving from one place or project to another project, living in the ghettos and the projects, moving from one place to another, but instability had allowed it.

This act will allow individuals to have that stability we need to say, I am going to one school, I do not have to go to four, five or six different schools as I went. It will also help increase the education amongst the kids where they have the stability in terms of going to one school, having their friends that are there and being able to take pride in their home. I know what it was like, and I took pride in my home when we had it.

Let me tell my colleagues, Mr. Speaker, I urge support of this bill. It is a good bill, and I compliment our minority leaders and the gentlewoman from Florida (Ms. HARRIS) in carrying this legislation.

Mr. NEY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GARY G. MILLER), another great member of our Subcommittee on Housing and Community Opportunity, who has been extremely active in concerns and issues of housing.

Mr. GARY G. MILLER of California. Mr. Speaker, I really want to commend the gentlewoman from Florida (Ms. HARRIS) for doing this. This is a really, really, really good bill. I had been a builder for over 30 years in my real life before coming to government. The gentleman from Ohio (Chairman OXLEY) really has a passion for this issue. The gentleman from Massachusetts (ranking member FRANK), a good friend of mine, has really done everything he can to look for opportunities to really help people get into homes, and the

gentleman from Ohio (Mr. NEY), who chairs the Subcommittee on Housing and Community Opportunity, just has a supervision and really looks for things that are good.

Some would say, why are we doing this? I am a conservative Republican, and one would say, well, why is the government getting involved in this issue. Some real good reasons. The average homeowner has assets totalling about $70,000. Yet the average low-income renter's assets are below $1,000. Most of these people that are going to benefit from this program are already on Section 8 housing vouchers or they are in some type of government housing. So how do we create an environment where people rely on themselves and count less on government? That is to get them in a home.

If we leave people in Section 8 housing, they are going to be there. They cannot get out. They do not have the downpayment, the necessary wealth to be able to move into society, as we would say it, and have the experience of the dream of owning a home. There is nothing like selling a home to somebody, watching a person and a family move into home, they have dreams, they have anticipations, they make plans for the future.

This is a good bill. Imagine if we get a family into a home that is now receiving government subsistence, at a point in time they no longer need help from the government because they have acquired wealth in their own home. When they buy that home, their rent remains consistent. When they take and rent a home, whether it is through Section 8 or a government home, the rent increases as the years goes by. So look at a situation where a family moves into a home, 10 years from now, they are going to pay a lot more than they currently pay if they are renting a home, but if they own that home, they are paying the same 10 years from now as they are today.

Our goal in government should be to do everything we can to create the best economic environment we can for the citizens. The best way to do it is to get people into their own home. There is nothing, nothing like moving people into something that they consider their own, rather than something they consider somebody else's they are allowed to rent.

We have a situation growing in this country that I consider the new homeless, and these are people who have good jobs, the husband and wife both work, the husband might be a policeman or a fireman, the wife might be a nurse or whatever or a schoolteacher, and yet they cannot afford to live within the community within which they work. How many people do my colleagues know whose children were raised in a community they cannot afford to buy a home and live within the city in which they spent their life growing up because it has become so expensive? In many cases, government has created so many roadblocks, they have increased the cost of housing, that we need to look at every opportunity we have to eliminate the roadblocks, to decrease the restrictions and to do everything we can to move people into homeownership.

There is a huge shortage of Section 8 housing and government housing for low-income people. People are on waiting lists, and the reason is the people who currently live in those homes cannot afford to move up to the next level. They are relegated to that, and we have to change that.

This is a great opportunity. It is a bipartisan bill, and I would strongly encourage a yes vote.

Ms. WATERS. Mr. Speaker, how much time do I have left on this side?

The SPEAKER pro tempore (Mr. SHAW). The gentlewoman from California (Ms. WATERS) has 10 minutes remaining, and the gentleman from Ohio (Mr. NEY) has 6 minutes remaining.

Ms. WATERS. Mr. Speaker, I yield myself as much time as I may consume to close out the bill.

Mr. Speaker, this bill is motherhood and apple pie. This is what public policy should be about, recognizing a need and moving to place in law some law that will indeed help those who really do need assistance to realize the American dream. This did not start today, did not start yesterday.

We have a lot of legislators who have worked on this. Congresswoman Roukema is not here anymore. She worked on this, and I think we had it in the 2003 Omnibus bill. We did not get that at that time, but it has been revisited in this way by the gentlewoman from Florida (Ms. HARRIS), and again, there will be no opposition. Truly, this is motherhood and apple pie. Homeownership, there are so many people who are desirous of owning their homes, who work every day but cannot afford that downpayment.

I am pleased that we spent time in committee thanks to the gentleman from Ohio (Mr. NEY), and Democrats were able to improve this bill during the committee markup by offering several amendments that were adopted, I would like to thank the gentlewoman from New York (Ms. VELÁZQUEZ), the gentleman from Massachusetts (Mr. CAPUANO) and the gentleman from New York (Mr. CROWLEY), and even an amendment that I offered to require targeted outreach programs. My amendment requires participating jurisdictions to conduct outreach to people living in public housing, Section 8 housing and manufactured housing as part of their plan to access these dollars. That means we are taking care of inner city, we are taking care of suburbia and we are taking care of the rural areas. It is not just about public housing. It is about manufactured housing, also, and so we worked to make sure that the outreach that is done is comprehensive. This outreach will ensure more residents will have an opportunity to share in the American dream and break their dependence on public housing assistance.

I am also pleased that the committee report on this bill includes report language clarifying that funds appropriated for this program should be new money and not be offset by a reduction in HOME block grants. Sometimes we come up with bills and we talk about the costs, but yet we do not appropriate new money. We reduce the money in some other pot, and we have language in this bill that will prevent that from happening.

Mr. Speaker, owning a home also can provide a sense of security and contribute to safer, stronger neighborhoods. A financial and personal stake in a residence helps the residents to create a better neighborhood where families, children and all the elderly can thrive and enjoy a better quality of life.

I am pleased to be a part of this committee. I am pleased to work with my colleagues on both sides of the aisle.

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

Mr. NEY. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. ROGERS) who actually carried this bill, introduced it last session, and we appreciate his support.

Mr. ROGERS of Michigan. Mr. Speaker, I thank my friend the gentleman from Ohio (Mr. NEY) and I thank the gentlewoman from California (Ms. WATERS) for all that she has done to get this bill on the floor and her leadership, and I thank the gentlewoman from Florida (Ms. HARRIS) very much for taking charge of this bill this session and getting it to where it was.

It was a little bit over a year ago that I stood in Detroit, Michigan, celebrating the 100th Habitat home going up with Secretary Martinez, and it was a great day for us. It was kind of a little bit chilly, a little bit rainy, but the excitement, the joy, even the tears about having that key go in that door and turning that knob was exhilarating and exhilarated a whole community as we stood under that tent together opening the door of that new home for that family. In that same crowd, there were dozens of folks who were there who had a little bit of hope to experience that very same exhilaration by sticking that key in that door and calling it theirs, calling it their home. We all know that there is a difference between a place to live and a home.

That day, that particular house, built by volunteers and the family that was going in, became a home in a community that needed all the help it could get. It had a very low homeownership rate, and what we found is that as we increased these number of homes, truancy went down, crime rates went down, investment in the community, the school overall performance went up, and that is what this bill is about, and we should not forget it.

It is about minority ownership coming up to where it needs to be, but it is about the very gift to the very family who is playing by the rules, getting up

every day, doing the right thing, paying all their bills, putting shoes on their children's feet, making their rent payments, making their utility payments, and this is the one hurdle, the very one hurdle that stops them, that puts them in the back of the tent watching somebody else put that key in the door.

For all of my colleagues that helped do this, I thank them very, very much. This will be a profound impact on thousands and thousands of American families. This is an investment in our future. I want to thank all of my colleagues for their commitment to this. I thank the gentleman from Ohio (Mr. NEY). I thank the gentlewoman from Florida (Ms. HARRIS) for her leadership and Secretary Martinez for championing this cause.

Mr. NEY. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. WILSON). He and his staff have been very energetic in support of this bill.

Mr. WILSON of South Carolina. Mr. Speaker, I rise in support of H.R. 1276, the American Dream Downpayment Act, and I want to commend the gentleman from Ohio (Mr. NEY) for his leadership. I want to commend the gentlewoman from Florida (Ms. HARRIS) for her wonderful leadership on this issue, and then my colleague the gentleman from Michigan (Mr. ROGERS) who has from the beginning been such an important part as he understood and eloquently explained the bill just now.

More than two-thirds of all Americans own their own home. However, fewer than half of all African American and Hispanic families are homeowners. For these families, one of the biggest barriers to homeownership is the inability to afford the downpayment and closing costs associated with purchasing a home. This legislation seeks to help close this homeownership gap by making $200 million in grants available to more than 40,000 first-time, low-income families to help them achieve the American dream of homeownership.

This is especially important to the 2nd Congressional District of South Carolina where many families would greatly benefit from this legislation. Too often, the dream of raising your family in your own home seems far out of reach. As a former real estate attorney, I know firsthand the joy of working with first-time home purchasers, especially because I worked pro bono with the meaningful Habitat for Humanity program, along with the Home Builders Association and the Realtors Association.

Further, the American Dream Downpayment initiative will help low- and moderate-income families build wealth. Consider that the average homeowner's assets total $70,000, while the average low-income renter's assets are below $1,000. Equity in a home, the primary asset held by most American families, is the best mechanism that families have for wealth creation. We can use our homes to send our children to college, to start small businesses and to build better lives.

In short, homeownership makes family stakeholders in their communities. H.R. 1276 will increase the rights of stakeholders and bring stability and a new revitalization to our communities. I urge all my colleagues to support H.R. 1276.

In conclusion, God bless our troops.

Mr. NEY. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. VELÁZQUEZ).

(Ms. VELÁZQUEZ asked and was given permission to revise and extend her remarks, and include extraneous material.)

Ms. VELÁZQUEZ. Mr. Speaker, I would like to enter into a colloquy with the gentleman from Ohio (Mr. NEY).

It is my understanding that, during committee consideration, an agreement was made between the chairman and myself to incorporate the provision dealing with financial literacy into the report on H.R. 1276. I would like this language to be included into the RECORD.

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

Ms. VELÁZQUEZ. I yield to the gentleman from Ohio.

Mr. NEY. Mr. Speaker, I just wanted to respond, it is my understanding and I accept the language as was just stated.

Ms. VELÁZQUEZ. Mr. Speaker, that is my colleague's understanding, and I thank the gentleman for that. I will insert that language at this point in the RECORD.

The full Committee also adopted two amendments during consideration. The first would require States and localities to ensure that families receiving the housing assistance are financially prepared to maintain ownership of their homes after the purchase by requiring recipients to complete a course of homeownership counseling. Alternatively, if this is not feasible, grantees could provide information in advance to grant recipients describing the risks and responsibilities of homeownership, providing assistance in understanding the mortgage loan process and financing options, and making recipients aware of any homeownership counseling that is available locally.

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

In closing, let me just, once again, thank our chairman, the gentleman from Ohio (Mr. OXLEY) for his diligence and perseverance in the way he has handled the committee, to produce many good products over this session, and when it comes to housing, he has given us the backing we needed; the gentleman from Massachusetts (Mr. FRANK), the ranking member, the gentlewoman from California (Ms. WATERS), our ranking member of the subcommittee, who has helped so much on this bill and also to everybody again that made this bill possible.

I just want to conclude by saying it is a dream for many Americans to have their homes, from all walks of life.

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We are taking a step today on the floor of this House to do that. This is a bill that every Member of this House can be proud of. It is a bill that they can support, and it is a bill that is going to do something for generations to come as people establish their home, as people are able to take care of their families and be part of their communities in a very, very productive way.

Again, Mr. Speaker, in closing and in urging support, I want to thank the gentlewoman from Florida (Ms. HARRIS), who had the desire, the tenacity and definitely put in all the time needed to make sure that this bill became a reality today. Without her, we would not be here today producing this bill, which, again, will help future generations. So I urge support of the bill.

Mr. PAUL. Mr. Speaker, the American dream, as conceived by the Nation's Founders, has little in common with H.R. 1276, the so-called American Dream Downpayment Act. In the original version of the American dream, individuals earned the money to purchase a house through their own efforts, often times sacrificing other goods to save for their first downpayment. According to the sponsors of H.R. 1276, that old American dream has been replaced by a new dream of having the Federal Government force your fellow citizens to hand you the money for a downpayment.

H.R. 1276 not only warps the true meaning of the American dream, but also exceeds Congress' constitutional boundaries and interferes with and distorts the operation of the free market. Instead of expanding unconstitutional federal power, Congress should focus its energies on dismantling the federal housing bureaucracy so the American people can control housing resources and use the free market to meet their demands for affordable housing.

As the great economist Ludwig Von Mises pointed out, questions of the proper allocation of resources for housing and other goods should be determined by consumer preference in the free market. Resources removed from the market and distributed according to the preferences of government politician and bureaucrats are not devoted to their highest-valued use. Thus, government interference in the economy results in a loss of economic efficiency and, more importantly, a lower standard of living for all citizens.

H.R. 1276 takes resources away from private citizens, through confiscatory taxation, and uses them for the politically favored cause of expanding home ownership. Government subsidization of housing leads to an excessive allocation of resources to the housing market. Thus, thanks to government policy, resources that would have been devoted to education, transportation, or some other good desired by consumers, will instead be devoted to housing. Proponents of this bill ignore the socially beneficial uses the monies devoted to housing might have been put to had those resources been left in the hands of private citizens.

Finally, while I know this argument is unlikely to have much effect on my colleagues, I must point out that Congress has no constitutional authority to take money from one American and redistribute it to another. Legislation such as H.R. 1276, which takes tax money from some Americans to give to others whom Congress has determined are worthy, is thus blatantly unconstitutional.

I hope no one confuses my opposition to this bill as opposition to any congressional actions to ensure more Americans have access to affordable housing. After all, one reason many Americans lack affordable housing is because taxes and regulations have made it impossible for builders to provide housing at a price that could be afforded by many lower-income Americans. Therefore, Congress should cut taxes and regulations. A good start would be generous housing tax credits. Congress should also consider tax credits and regulatory relief for developers who provide housing for those with low incomes. For example, I am cosponsoring H.R. 839, the Renewing the Dream Tax Credit Act, which provides a tax credit to developers who construct or rehabilitate low-income housing.

H.R. 1276 distorts the economy and violates constitutional prohibitions on income redistribution. A better way of guaranteeing an efficient housing market where everyone could meet their own needs for housing would be for Congress to repeal taxes and programs that burden the housing industry and allow housing needs to be met by the free market. Therefore, I urge my colleagues to reject this bill and instead develop housing policies consistent with constitutional principles, the laws of economics, and respect for individual rights.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support for H.R. 1276, the American Dream Downpayment Act. This bill, of which this Member is an original cosponsor, authorizes $200 million in grants to be made available as part of the HOME program to first-time low-income families for downpayment assistance. This important legislation is strongly supported by the Administration and is a priority of the distinguished Secretary of the Department of Housing and Urban Development (HUD) (Mr. Martinez).

First, this Member would like to thank the distinguished gentlelady from Florida (Ms. HARRIS) for introducing this legislation. Furthermore, this Member would also like to thank both the distinguished gentleman from Ohio (Mr. OXLEY), the Chairman of the House Financial Services Committee, and the distinguished gentleman from Massachusetts (Mr. FRANK), the Ranking Member of this Committee, for their support in bringing this measure to the House Floor.

One of the main obstacles for families who want to purchase a home is that they do not have the resources for a sufficient mortgage downpayment. As a response to this pressing need, this legislation would provide downpayment assistance grants to more than 40,000 first-time low income families.

The American Dream Downpayment Act would be administered as part of HUD's successful HOME program which currently provides grants to states and entitlement communities (over 50,000 in population) to use for affordable housing. This bill authorizes $200 million in new authorized funds to be used for downpayment assistance by states and entitlement communities. Furthermore, this bill would preserve the flexibility of the HOME program by allowing these states and localities to craft a package of downpayment assistance which meets their specific needs.

Mr. Speaker, in closing, as a Member of the House Financial Services Subcommittee on Housing and Community Opportunity, this Member strongly supports H.R. 1276, the American Dream Downpayment Act. This Member encourages his colleagues to support H.R. 1276.

Mr. OXLEY. Mr. Speaker, today, the House is considering H.R. 1276, the American Dream Downpayment Act. This important legislation, introduced by Reps. KATHERINE HARRIS and MIKE ROGERS, will help tens of thousands of low-income families to achieve the American dream of homeownership.

The nation's overall homeownership rate is at an all time high of 68 percent. However, the homeownership rate for African-Americans, Hispanic and other non-Hispanic minorities is approximately 49 percent. We can and must do better than this; H.R. 1276 will go a long way in helping to close this homeownership gap.

For many families, the biggest barrier to homeownership is their inability to afford the downpayment and closing costs. While they can afford the monthly mortgage payments, they are unable to save the funds necessary for the downpayment and closing costs needed to purchase their first home. H.R. 1276 addresses this barrier by providing communities across America with $200 million in grants, which is anticipated to help more than 40,000 first-time low-income families to purchase their first homes.

H.R. 1276 will be administered as part of HUD's HOME Investment Partnership Program, an existing program that helps communities increase the availability of affordable housing for families most in need through grants to state and local governments. The American Dream Downpayment Act preserves the flexibility of the HOME program, so that states can tailor assistance to best meet the needs of local citizens.

H.R. 1276 has received the endorsement of: HUD Secretary Mel Martinez; America's Community Bankers; Consumers Bankers Association; Fannie Mae; Freddie Mac; Housing Assistance Council; Manufactured Housing Institute; Mortgage Bankers Association of America; National Association of Home Builders; National Association of Housing and Redevelopment Officials; National Association of Mortgage Brokers; and National Association of Realtors.

When families own their own home, they become stakeholders in their communities. H.R. 1276 will increase the ranks of stakeholders and bring stability and a new spirit of revitalization to our communities. By helping families purchase their own homes, we can give them the wealth-building opportunity that homeownership provides. Hard-working, low-income families across the country will finally have an opportunity to profit from both the community and economic benefits that come from owning your own home.

In addition to the many benefits for low-income families, homeownership helps to fuel the economy. People who own their homes spend money for home improvements. In fact, the housing industry itself has been one of the few bright spots in the national economy over the last three years.

Passage of the American Dream Downpayment Act represents an important step in closing the minority homeownership gap. I want to again commend Representatives KATHERINE HARRIS, MIKE ROGERS, Chairman NEY and Ranking Minority MAXINE WATERS for their hard work on this important measure and urge my colleagues to support it.

Mr. CASTLE. Mr. Speaker, I rise today to support the ''American Dream Downpayment Act.'' I thank Congresswoman KATHERINE HARRIS, Congressman ARTUR DAVIS, Congressman MIKE ROGERS and all the members of the Financial Services Committee for their hard work on this important bill.

This legislation, which I am proud to have cosponsored, will help low and moderate income families purchase their first home. As Delaware's governor, I established a Housing Development Trust Fund that helped more than 5,400 low- to moderate-income families become homeowners. I am pleased to support this program which seeks to help more than 40,000 first-time, low-income families achieve their dream of homeownership.

We can be proud of the historic levels of homeownership we have reached in this country, we must also recognize that the number of people who pay more than half of their income in housing is also rising. We need to make our existing government housing programs more efficient and expand them through responsible programs that will help our constituents realize their dreams of homeownership. Equity in a home is the primary asset held by most American families and the best mechanism that families have for wealth creation.

I have maintained a longstanding commitment to affordable housing and expanding homeownership, this legislation is a positive step in furthering that goal. Thomas Jefferson once said the happiest moments of his life were those which he had passed at home in the embrace of his family. Mr. Speaker, I am pleased we are working to bring that sentiment to all Americans and I rise in support of this legislation.

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

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and pass the bill, H.R. 1276, as amended.

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

A motion to reconsider was laid on the table.

NATIONAL EARTHQUAKE HAZARDS REDUCTION PROGRAM REAUTHORIZATION ACT OF 2003

Mr. SMITH of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2608) to reauthorize the National Earthquake Hazards Reduction Program, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2608

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 ''National Earthquake Hazards Reduction Program Reauthorization Act of 2003''.

SEC. 2. DEFINITIONS.

Section 4 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.) is amended by adding at the end the following new paragraphs:

''(8) The term 'Interagency Coordinating Committee' means the Interagency Coordinating

Committee on Earthquake Hazards Reduction established under section 5(a).

''(9) The term 'Advisory Committee' means the Advisory Committee established under section 5(a)(5).''.

SEC. 3. NATIONAL EARTHQUAKE HAZARDS REDUCTION PROGRAM.

Section 5 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)) is amended—

(1) by amending subsection (a) to read as follows:

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established the National Earthquake Hazards Reduction Program.

''(2) PROGRAM ACTIVITIES.—The activities of the Program shall be designed to—

''(A) develop effective measures for earthquake hazards reduction;

''(B) promote the adoption of earthquake hazards reduction measures by Federal, State, and local governments, national standards and model code organizations, architects and engineers, building owners, and others with a role in planning and constructing buildings, structures, and lifelines through—

''(i) grants, contracts, cooperative agreements, and technical assistance;

''(ii) development of standards, guidelines, and voluntary consensus codes for earthquake hazards reduction for buildings, structures, and lifelines; and

''(iii) development and maintenance of a repository of information, including technical data, on seismic risk and hazards reduction; and

''(C) improve the understanding of earthquakes and their effects on communities, buildings, structures, and lifelines, through interdisciplinary research that involves engineering, natural sciences, and social, economic, and decisions sciences.

''(3) INTERAGENCY COORDINATING COMMITTEE ON EARTHQUAKE HAZARDS REDUCTION.—

''(A) IN GENERAL.—There is established an Interagency Coordinating Committee on Earthquake Hazards Reduction chaired by the Director of the National Institute of Standards and Technology (referred to in this subsection as the 'Director').

''(B) MEMBERSHIP.—The committee shall be composed of the directors of—

''(i) the Federal Emergency Management Agency;

''(ii) the United States Geological Survey;

''(iii) the National Science Foundation;

''(iv) the Office of Science and Technology Policy; and

''(v) the Office of Management and Budget.

''(C) MEETINGS.—The Committee shall meet not less than 3 times a year at the call of the Director.

''(D) PURPOSE AND DUTIES.—The Interagency Coordinating Committee shall oversee the planning, management, and coordination of the Program. The Interagency Coordinating Committee shall—

''(i) develop, not later than 6 months after the date of enactment of this Act, and update periodically—

''(I) a strategic plan that establishes goals and priorities for the Program activities described under subsection (a)(2); and

''(II) a detailed management plan to implement such strategic plan; and

''(ii) develop a coordinated interagency budget for the Program that will ensure appropriate balance among the Program activities described under subsection (a)(2), and submit such budget to the Director of the Office of Management and Budget at the time designated by that office for agencies to submit annual budgets.

''(4) ANNUAL REPORT.—The Interagency Coordinating Committee shall transmit, at the time of the President's budget request to Congress, an annual report to the Committee on Science and the Committee on Resources of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate. Such report shall include—

''(A) the Program budget for the current fiscal year for each agency that participates in the Program, and for each major goal established for the Program activities under subparagraph (3)(A);

''(B) the proposed Program budget for the next fiscal year for each agency that participates in the Program, and for each major goal established for the Program activities under subparagraph (3)(A);

''(C) a description of the activities and results of the Program during the previous year, including an assessment of the effectiveness of the Program in furthering the goals established in the strategic plan under (3)(A);

''(D) a description of the extent to which the Program has incorporated the recommendations of the Advisory Committee;

''(E) a description of activities, including budgets for the current fiscal year and proposed budgets for the next fiscal year, that are carried out by Program agencies and contribute to the Program, but are not included in the Program; and

''(F) a description of the activities, including budgets for the current fiscal year and proposed budgets for the following fiscal year, related to the grant program carried out under subsection (b)(2)(A)(i).

''(5) ADVISORY COMMITTEE.—

''(A) IN GENERAL.—The Director shall establish an Advisory Committee on Earthquake Hazards Reduction consisting of non-Federal members, including representatives of research and academic institutions, industry standards development organizations, State and local government, and financial communities who are qualified to provide advice on earthquake hazards reduction. The recommendations of the Advisory Committee shall be considered by Federal agencies in implementing the Program.

''(B) ASSESSMENT.—The Advisory Committee shall assess—

''(i) trends and developments in the science and engineering of earthquake hazards reduction;

''(ii) effectiveness of the Program in carrying out the activities under (a)(2);

''(iii) the need to revise the Program; and

''(iv) the management, coordination, implementation, and activities of the Program.

''(C) REPORT.—Not later than 1 year after the date of enactment of this Act and at least once every 2 years thereafter, the Advisory Committee shall report to the Director on its findings of the assessment carried out under subparagraph (B) and its recommendations for ways to improve the Program. In developing recommendations, the Committee shall consider the recommendations of the United States Geological Survey Scientific Earthquake Studies Advisory Committee.

''(D) FEDERAL ADVISORY COMMITTEE ACT APPLICATION.—Section 14 of the Federal Advisory Committee Act (5 App. U.S.C. 14) shall not apply to the Advisory Committee.'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''Federal Emergency Management Agency'' and all that follows through ''of the Agency'' and inserting ''National Institute of Standards and Technology shall have the primary responsibility for planning and coordinating the Program. In carrying out this paragraph, the Director of the Institute'';

(ii) by striking subparagraphs (B) and (C) and redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively;

(iii) by inserting after subparagraph (A) the following:

''(B) support the development of performance-based seismic engineering tools, and work with appropriate groups to promote the commercial application of such tools, through earthquake-related building codes, standards, and construction practices;'';

(iv) by striking ''The principal official carrying out the responsibilities described in this paragraph shall be at a level no lower than that of Associate Director.''; and

(v) in subparagraph (D), as redesignated by clause (ii), by striking ''National Science Foundation, the National Institutes of Standards and Technology'' and inserting ''Federal Emergency Management Agency, the National Science Foundation'';

(B) in paragraph (2)(A)—

(i) by striking ''In addition to the lead'' and all that follows through ''Agency'' and inserting ''The Director of the Federal Emergency Management Agency (in this Act referred to as the 'Agency')''; and

(ii) by amending clause (iii) to read as follows:

''(iii) assist the National Institute of Standards and Technology, other Federal agencies, and private sector groups in the preparation and wide dissemination of building codes and practices for structures and lifelines, and aid in the development of performance based codes for buildings, structures, and lifelines that are cost effective and affordable;'';

(C) in paragraph (3)—

(i) by inserting ''and other activities'' after ''shall conduct research'';

(ii) in subparagraphs (C) and (D), by striking ''the Agency'' both places it appears and inserting ''the Director of the Federal Emergency Management Agency and the Director of the National Institute of Standards and Technology'';

(iii) in subparagraph (E), by striking ''establish, using existing facilities, a Center for the International Exchange of Earthquake Information'' and inserting ''operate, using the National Earthquake Information Center, a forum for the international exchange of earthquake information'';

(iv) in subparagraph (F), by striking ''Network'' and inserting ''System''; and

(v) by inserting after subparagraph (H) the following new subparagraphs:

''(I) work with other Program agencies to coordinate Program activities with similar eathquake hazards reduction efforts in other countries, to ensure that the Program benefits from relevant information and advances in those countries; and

''(J) maintain suitable seismic hazard maps in support of building codes for structures and lifelines, including additional maps needed for performance based design approaches.'';

(D) in paragraph (4)—

(i) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (E), (F), and (H), respectively;

(ii) by inserting after subparagraph (C) the following:

''(D) support research that improves the safety and performance of buildings, structures, and lifeline systems using large-scale experimental and computational facilities;'';

(iii) in subparagraph (F) (as so redesignated), by striking ''; and'' and inserting a semicolon; and

(iv) by inserting after subparagraph (F) (as so redesignated) the following:

''(G) include to the maximum extent practicable diverse institutions, including Historically Black Colleges and Universities and those serving large proportions of Hispanics, Native Americans, Asian-Pacific Americans, and other underrepresented populations; and''; and

(E) in paragraph (5), by striking ''The National'' and inserting ''In addition to the lead agency responsibilities described under paragraph (1), the National''; and

(3) in subsection (c)(1), by striking ''Agency'' and inserting ''Interagency Coordinating Committee''.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) Section 12 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) is amended—

(1) in subsection (a), by adding after paragraph (7) the following new paragraph:

''(8) There are authorized to be appropriated to the Federal Emergency Management Agency

for carrying out this Act $19,000,000 for fiscal year 2004; $21,000,000 for fiscal year 2005; and $23,000,000 for fiscal year 2006. Of such amounts appropriated, not less than $3,000,000 shall be made available each such fiscal year for supporting the development of performance-based, cost-effective, and affordable codes for buildings, structures, and lifelines.'';

(2) in subsection (b), by adding at the end the following: ''There are authorized to be appropriated to the United States Geological Survey for carrying out this Act $80,000,000 for fiscal year 2004, of which not less than $30,000,000 shall be made available for completion of the Advanced National Seismic Research and Monitoring System established under section 13; $83,500,000 for fiscal year 2005, of which not less than $30,000,000 shall be made available for completion of the Advanced National Seismic Research and Monitoring System established under section 13; $93,000,000 for fiscal year 2006, of which not less than $36,000,000 shall be made available for completion of the Advanced National Seismic Research and Monitoring System established under section 13; such sums as may be necessary for fiscal year 2007, of which not less than $36,000,000 shall be made available for completion of the Advanced National Seismic Research and Monitoring System established under section 13; and such sums as may be necessary for fiscal year 2008, of which not less than $36,000,000 shall be made available for completion of the Advanced National Seismic Research and Monitoring System established under section 13.'';

(3) in subsection (c), by adding at the end the following: ''There are authorized to be appropriated to the National Science Foundation for carrying out this Act $39,000,000 for fiscal year 2004; $44,000,000 for fiscal year 2005; and $47,500,000 for fiscal year 2006.''; and

(4) in subsection (d) by adding at the end the following: ''There are authorized to be appropriated to the National Institute of Standards and Technology for carrying out this Act $8,000,000 for fiscal year 2004; $9,600,000 for fiscal year 2005; and $12,500,000 for fiscal year 2006. Of such amounts appropriated, not less than $2,000,000 shall be made available each such fiscal year for supporting the development of performance-based, cost-effective, and affordable codes for buildings, structures, and lifelines.''.

(b) Section 13 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7707) is amended by striking subsection (c).

(c) Section 14(b) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7708(b)) is amended—

(1) in paragraph (3) by striking ''and'' at the end; and

(2) by striking paragraph (4) and inserting the following:

''(4) $8,000,000 for fiscal year 2004;

''(5) $20,000,000 for fiscal year 2005, all of which shall be available for operations and maintenance; and

''(6) $20,000,000 for fiscal year 2006, all of which shall be available for operations and maintenance.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. SMITH) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

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

GENERAL LEAVE

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous material on H.R. 2608, the bill now under consideration.

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

There was no objection.

Mr. SMITH of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my colleagues know that I am a fiscal conservative; so in evaluating this bill, we looked at the justification for an authorized spending that is going to move us closer to being able to deal with earthquakes, to mitigate their damage.

There is no question that damaging earthquakes are inevitable however infrequent they may be. Some of our evaluation reported that annual damages from earthquakes in the United States are about $4.4 billion. This is annual. What we did in this bill is a slight reduction in the authorization; from the prior years. In California, the 1994 Northridge earthquake, the magnitude was 6.7; and it was the most costly earthquake in history, amounting to over $40 billion.

Of course, even though the State of California is very aggressive in trying to work with earthquakes and paying for some of the damages and working in their research to mitigate those damages; through FEMA, our Federal Emergency Management Agency, all of the taxpayers in the United States contribute to paying for some of the damage by earthquakes. So if we can mitigate that damage through research, which helps us engineer buildings and bridges and roadways that are less vulnerable to earthquakes, we are going to, by far, save more money than we are spending on this authorization bill.

The west coast, California, and certainly that area of the country, is assumed to be the location of earthquakes. But that is not the only part of the country that is very vulnerable. In fact, Alaska is more vulnerable than California in terms of the risk from earthquakes. The recent massive earthquake of 7.9 magnitude in Alaska was right where the Alaskan oil transline went through.

We heard testimony before our Committee on Science earlier this year that that quake went relatively unnoticed simply because of the extra precautions and wisdom of people like Lloyd Cluff, who recognized that this pipeline was being built over a vulnerable earthquake area and so he, in effect, built a flexable cradle for that pipeline. So when the earthquake happened, the pipeline was not so rigid and it withstood that huge quake. Without current technology and foresight damage to that pipeline could have cost billions.

There are 39 States that are within zones where the probability of an earthquake occurring is great, and recent research indicates that areas in the eastern and central United States are at greater risk than we ever thought. A 19th century quake in Missouri actually rang church bells in Boston. So the threat is there and the justification to be better prepared, to even possibly with new seismic technology increase the alert time by maybe 8 or 9 or 10 seconds can help us to be better prepared such as immediately shutting off gas lines, et cetera.

We are moving ahead in NEHRP, and so I commend the Democrats and Republicans for working with all of the agencies and organizations involved to develop this legislation.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 2608. H.R. 2608 is the National Earthquake Hazards Reduction Program Reauthorization Act of 2003.

This legislation will strengthen a valuable Federal program which has the important goal of improving public safety. I want to acknowledge the leadership of the chairman of the Subcommittee on Research, the gentleman from Michigan (Mr. SMITH), and my colleague, the gentleman from Washington (Mr. BAIRD), in introducing H.R. 2608. I also want to thank the chairman of the Committee on Science, the gentleman from New York (Mr. BOEHLERT), for working in a bipartisan manner with this side of the aisle to further develop the bill and to move it expeditiously through the committee and to the floor.

The National Earthquake Hazards Reduction Program, often called NEHRP, was established 25 years ago to address a serious seismic hazard in the United States. The program has the major goal of determining how to lower the risk to people and to the built environment.

Today, 75 million Americans in 39 States are directly vulnerable to a serious earthquake. The potential economic losses in a large metropolitan area due to a major earthquake could be over $100 billion. These facts alone make the justification for NEHRP self-evident, and even after 25 years the relevance of the program continues.

Most observers of NEHRP believe it has made many valuable contributions. In particular, it has increased our understanding of earthquake processes and has provided detailed information about the geographic distribution of earthquake risk. Equally important, the program has helped to improve engineering design and practice for structures and lifelines suitable for earthquake-prone regions.

Nevertheless, much work remains to be done. The NEHRP can be improved and made more effective, which became evident from the hearings before the Committee on Science. More can be done on technology transfer that will bring into practice what has been learned from the research activities about the most effective and economical ways for enhancing seismic safety of the built environment.

Also, some deficiencies needed to be addressed regarding the planning and

administration of the program. In 1993, the former chairman of the Committee on Science, Mr. George Brown, wrote the President to express concerns about NEHRP. He cited the lack of strategic planning, insufficient coordination and implementation of research results and a lack of emphasis on mitigation. Unfortunately, most of these concerns are still valid.

H.R. 2608 focuses on two aspects of the program most in need of improvement: program leadership and increased emphasis on transitioning the results of research into practice.

Leadership is addressed by designating the National Institutes of Standard and Technology, the lead agency for planning and coordinating the implementation of the interagency program. NIST is charged to convene a process to develop a strategic plan and work jointly with the other NEHRP agencies to prepare a detailed implementation plan and budget for the program for submittal to OMB during the budget formulation process.

The bill also creates an advisory committee of nongovernment experts to help guide implementation of the program and to assist the agencies in defining program priorities. Thus, H.R. 2608 puts in place mechanisms that will provide the leadership needed to ensure a well-coordinated, carefully planned, and effectively executed National Earthquake Hazards Reduction Program.

In addition, the legislation authorizes the resources needed to enable NEHRP to achieve its goals. It authorizes full funding for the Advanced National Seismic System. This distributed national facility, which has been the highest priority of the earthquake hazards reduction community, was first authorized in the year 2000, but has been funded at only 10 percent of the level required. I hope that with this authorization adequate appropriations will follow so that the Advanced National Seismic System may be completed without further delay.

The bill also specifies funding needed to complete the George E. Brown Network for Engineering Simulation and to support its operation. Moreover, the funding increases authorized will enable NEHRP agencies to expand their research activities so that this powerful new research tool can be fully employed.

Mr. Speaker, H.R. 2608 is a bill of national importance and will help improve public safety and mitigate earthquake hazards. I commend the bill to my colleagues and ask for passage by the House.

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

Mr. SMITH of Michigan. Mr. Speaker, I yield myself such time as I may consume to just urge that our appropriators and the Senate look carefully and hopefully will quickly adequately fund the efforts that we have put forth in this bill.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding me this time. Today I rise in support of H.R. 2608, the National Earthquake Hazards Reduction Program Reauthorization Act of 2003.

As chairman of the Subcommittee on Environment, Technology, and Standards of the Committee on Science, with jurisdiction over the National Institute of Standards and Technology, more familiarly known as NIST, I want to comment on the interagency coordinating committee in section 3 of H.R. 2608.

This section designates NIST as the Chair of the National Earthquake Hazards Reduction Program Coordinating Committee. While I believe that NIST is more than capable of carrying out these responsibilities, and should have this position, I am concerned that the institute will not receive adequate funding to perform these duties. In the past, NIST's earthquake research activities have not received the full funding authorized for them, and this section designates additional responsibilities for NIST.

Adequate funding for NIST labs continues to be a concern. The funding levels for NIST labs in the fiscal year 2004 House Subcommittee on Commerce, Justice, State and Judiciary appropriations bill are $30 million below the administration's request and flat compared to the fiscal year 2003 appropriations.

For the building and fire research lab, where NIST's NEHRP activities are based, the funding level in the fiscal year 2004 House bill is $3 million less than fiscal year 2003 levels.

The Senate Committee on Appropriations' representations for these labs are at the administration's request level. Given that the final number will likely be somewhere between these two, this budget situation could leave many of NIST's vital initiatives underfunded. Any funding level less than the President's request would result in a reduction in force of up to 50 scientists and staff from NIST labs.

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NIST is a world-class science institution, home to two Nobel Laureates and scores of other experts who diligently provide the scientific expertise and measurements and standards that is the basis of technologies we use every day. This Chamber has passed laws giving NIST new responsibilities for programs including voting standards, building safety, and nanotechnology. Yet, given the difficult budget climate, it has been a challenge to ensure NIST receives adequate funding to carry out these important duties. You simply cannot keep piling on additional duties without providing funding for them. I am very concerned about that trend.

Mr. Speaker, I would like to reiterate that I do support this legislation with NIST taking the lead on earthquake leadership activities. However, I intend to work with the other members of the NEHRP Interagency Coordinating Committee, the Office of Science and Technology Policy, the Office of Management and Budget, and the chairman and members of the Subcommittee on Appropriations Commerce, Justice, State, Judiciary and Related Agencies to ensure that NIST receives adequate funding and support for these additional responsibilities. I ask my colleagues to join me in this effort and in supporting H.R. 2608.

Mr. SMITH of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the committee totally agrees with the concerns of the gentleman from Michigan (Mr. EHLERS). What we did in this bill is we increased the authorization of NIST from $2.5 million up to $8 million; but we will work with NIST, we will work with the appropriators because adequate funding is necessary.

The management, moving the management from FEMA, the lead agency management from FEMA to NIST, was a difficult decision in our committee; but we ended up with unanimous agreement because of the new obligations that have been put on FEMA as they go into Homeland Security. We felt that as the lead agency NIST could dedicate the kind of time and organization needed. So there is somewhat of an increased responsibility.

In conclusion, we will work with the gentleman from Michigan (Mr. EHLERS) to try to make sure that adequate funding is available.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, let me thank the gentleman from Michigan (Mr. SMITH) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for all of their hard work to bring this bill to the floor today.

I represent an area in California that has been affected in the past by earthquakes. In fact, I remember very well the 6.9 Loma Prieta earthquake that shook the Bay Area in 1989. It was really an awesome experience, and I think anyone who has been through an earthquake like that can remember exactly what they were doing and how it felt. And to know that that level of earthquake is not the big one really does emphasize the need to take this whole area very seriously. That is what this bill does.

The bill is to make sure that the Federal Government provides the necessary resources and support needed by those in the earthquake research community who have dedicated much of their life's work trying to understand the causes of earthquakes, to anticipate when and where an earthquake may happen, and, most importantly,

how we can best prepare ourselves to survive the potentially devastating results of earthquakes.

The National Earthquake Hazards Reduction Program was first created in 1977 in response to growing concerns about the threat of damaging earthquakes. Initially, the program focused on research in the areas of geotechnical and structural engineering and earthquake prediction. Over time, researchers acknowledging that earthquake prediction was a huge challenge and began to emphasize activities like seismic retrofitting and rehabilitation, risk assessment, public education, and outreach and code development. And the fact that San Jose, California, did not fall down in the Loma Prieta earthquake is testimony that good code enforcement and structural engineering does work and does save lives.

The program has achieved great progress since its inception and is considered by most to be a very successful undertaking. Through the efforts of those involved, we have seen a substantial decrease in the loss of life and injury. The capabilities of seismic risk assessment have improved greatly. We have learned important lessons in mitigating earthquake hazards as a result of technological advances in areas like performance-based engineering, information technology, sensing and imaging.

In the Committee on Science we were faced with many challenges in order to make this program even more helpful in our understanding of and our ability to mitigate the effects of earthquakes. Some have argued that the new knowledge and tools have not translated into a decreased overall vulnerability. The adoption by end-users of NEHRP innovations has been incremental and slower than expected. The cost of rehabilitating existing structures to be more earthquake resistant has often proved to be too high as is the cost of building new facilities to minimize risk.

We know that the private sector has not had adequate incentives and that most State and local governments lack adequate budgets to address these challenges.

I will be following these issues with great interest particularly when it comes to ensuring that the Federal Government provides sufficient funding and leadership to meet the research needs of this program. That a future large earthquake in a major U.S. urban area could result in damages of $200 billion should provide us here in the Congress with sufficient incentive to encourage our research in this vital area. This is a historic case where we know that we must not be ''penny wise and pound foolish.''

I remain concerned as to whether or not NEHRP can be reasonably expected to meet its goals at the level of funding it currently receives. And I look forward to working to increase the level of funding.

I was happy to work with the gentleman from Michigan (Mr. SMITH) as well as the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) in a bipartisan manner to make sure that the funding in the fiscal year 2004 was increased for the Advanced National Seismic System. I think they did a great job. And, actually, I think our committee worked well together to improve this bill. I look forward to continuing to work with the gentleman from Michigan (Mr. SMITH) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the rest of the committee to try to make certain that those who are doing research in the sciences have the funds and support they need from our Federal Government.

Mr. SMITH of Michigan. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I compliment the gentlewoman from California (Ms. LOFGREN) for bringing us the kind of information and dedication that she has to try to make this a better bill and to try to have government do a better job in terms of mitigating the consequences of earthquakes.

And I would mention that it is not just this country that NEHRP helps. We work worldwide in trying to share the research that we have done to help reduce the consequences of earthquakes all over the world. I think it is appropriate in terms of understanding that I just give a brief background on some of the agencies that are involved.

NEHRP is a long-term comprehensive interagency earthquake hazard reduction mitigation program. It was established in Congress in 1977, and four agencies participate in this effort. We have FEMA, the Federal Emergency Management Agency; the U.S. Geological Survey, USGS which has done a fantastic job in this area; the National Science Foundation, which is under the purview of our Subcommittee on Research because of the tremendous research efforts that we are making in this arena; and of course, NIST, the National Institute of Standards and Technology.

Each agency has distinct responsibilities to undertake in support of the overall program goals. NSF, with the geoscience, the engineering, the economic and social aspects of earthquakes; USGS carries out both the basic and applied Earth science and seismic research and monitoring; and FEMA has been responsible for overall coordination of the program, education outreach and implementation of research results, and now we are asking NIST as the lead agency to take a little larger role to conduct the research and development in earthquake engineering aimed at improving building design codes and construction standards.

Also, there needs to be additional support to reducing the damages from earthquakes. In addition to our efforts in government, I would call on the insurance industry to consider lowering its insurance rates for those municipalities and for those individuals who comply and build their structures to be more resistant to earthquake damage. It seems logical that if there is extra spending of money to protect against earthquakes in the building structures, whether they are municipal bridges, highways, buildings, or residential structures, that the insurance industry should consider encouraging the effort with lower premiums.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no further requests for time. I urge this bill be passed, and I yield back the balance of my time.

Mr. SMITH of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me conclude by saying that we should appreciate the bipartisan support and the support of the government agencies that are involved in this program. Certainly we know that earthquakes cannot be prevented, but we can mitigate their impact; and that is what this bill does. I ask for all Members to support the bill.

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

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from Michigan (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2608, as amended.

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

A motion to reconsider was laid on the table.

HEALTH CARE SAFETY NET AMENDMENTS TECHNICAL CORRECTIONS ACT OF 2003

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3038) to make certain technical and conforming amendments to correct the Health Care Safety Net Amendments of 2002.

The Clerk read as follows:

H.R. 3038

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 ''Health Care Safety Net Amendments Technical Corrections Act of 2003''.

SEC. 2. TECHNICAL AMENDMENTS.

(a) HEALTH CENTERS.—

(1) IN GENERAL.—Section 330 of the Public Health Service Act (42 U.S.C. 254b) is amended to read as if—

(A) subparagraph (C) of the second paragraph (4) of section 101 of Public Law 107–251 had not been enacted;

(B) paragraph (7)(C) of such section 101 had not been enacted; and

(C) paragraphs (8) through (11) of such section 101 had not been enacted.

(2) AMENDMENTS PER PUBLIC LAW 107–251.—Section 330 of the Public Health Service Act (42 U.S.C. 254b), as amended by paragraph (1), is amended—

(A) in subsection (c)(1)(B), in the matter preceding clause (i), by striking ''plan..'' and inserting ''plan.'';

(B) in subsection (d)(1)(B)(iii), in subclause (I), by adding ''or'' at the end;

(C) by striking subsection (k);

(D) by redesignating subsection (j) as subsection (k);

(E) by inserting after subsection (i) a subsection that is identical to the subsection (j) that appears (as an amendment) in section 101(8)(C) of Public Law 107–251;

(F) by redesignating subsection (l) as subsection (r), by transferring it from its current placement, and by inserting it after subsection (q);

(G) by inserting before subsection (m) a subsection that is identical to the subsection that appears (as an amendment) in section 101(9) of Public Law 107–251, and by redesignating as subsection (l) the subsection that is so inserted;

(H) in subsection (l) (as inserted and redesignated by subparagraph (G) of this paragraph), in the first sentence—

(i) by inserting after ''shall provide'' the following: ''(either through the Department of Health and Human Services or by grant or contract)''; and

(ii) by striking ''(l)(3)'' and inserting ''(k)(3)'';

(I) in subsection (p), by striking ''(j)(3)(G)'' and inserting ''(k)(3)(G)''; and

(J) in subsection (r) (as redesignated, transferred, and inserted by subparagraph (F) of this paragraph)—

(i) in paragraph (1), by striking ''$802,124,000'' and all that follows through the period and inserting ''$1,340,000,000 for fiscal year 2002 and such sums as may be necessary for each of the fiscal years 2003 through 2006.'';

(ii) in paragraph (2)(A)—

(I) by striking ''(j)(3))'' and inserting ''(k)(3))''; and

(II) by striking ''(j)(3)(G)(ii)'' and inserting ''(k)(3)(H)''; and

(iii) in paragraph (2), by striking subparagraph (B) and inserting a subparagraph that is identical to the subparagraph (B) that appears (as an amendment) in section 101(11)(B)(ii) of Public Law 107–251.

(b) RURAL HEALTH OUTREACH.—Section 330A(b)(4) of the Public Health Service Act (42 U.S.C. 254c(b)(4)) is amended by striking ''799B'' and inserting ''799B(6)''.

(c) TELEHEALTH.—Section 330I of the Public Health Service Act (42 U.S.C. 254c–14) is amended—

(1) in subsection (a)(4), by striking ''799B'' and inserting ''799B(6)''; and

(2) in subsection (c)(1), by striking ''Health and Resources and Services Administration'' and inserting ''Health Resources and Services Administration''.

(d) MENTAL HEALTH SERVICES VIA TELEHEALTH.—Section 330K of the Public Health Service Act (42 U.S.C. 254c–16) is amended—

(1) in subsection (b)(2), by striking ''subsection (a)(4)'' and inserting ''subsection (a)(3)''; and

(2) in subsection (c)(1)—

(A) in subparagraph (A), by striking ''subsection (a)(4)(A)'' and inserting ''subsection (a)(3)(A)''; and

(B) in subparagraph (B), by striking ''subsection (a)(4)(B)'' and inserting ''subsection (a)(3)(B)''.

(e) TELEMEDICINE INCENTIVE GRANTS.—

(1) IN GENERAL.—Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end the following:

''SEC. 330L. TELEMEDICINE; INCENTIVE GRANTS REGARDING COORDINATION AMONG STATES.

''(a) IN GENERAL.—The Secretary may make grants to State professional licensing boards to carry out programs under which such licensing boards of various States cooperate to develop and implement State policies that will reduce statutory and regulatory barriers to telemedicine.

''(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out subsection (a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2002 through 2006.''.

(2) REPEAL.—Section 102 of the Health Care Safety Net Amendments of 2002 (Public Law 107–251) is repealed.

(f) HEALTH PROFESSIONAL SHORTAGE AREAS.—

(1) IN GENERAL.—Section 332 of the Public Health Service Act (42 U.S.C. 254e) is amended—

(A) in subsection (a)(1)—

(i) by striking ''such date of enactment'' and inserting ''such date of designation''; and

(ii) by striking '', issued after the date of enactment of this Act, that revise'' and inserting ''regarding''; and

(B) in subsection (a)(3), by striking ''330(h)(4)'' and inserting ''330(h)(5)'';

(C) in subsection (b)(2), by striking ''designation,.'' and inserting ''designation.''; and

(D) by adding at the end the following:

''(j)(1) The Secretary shall submit the report described in paragraph (2) if the Secretary, acting through the Administrator of the Health Resources and Services Administration, issues—

''(A) a regulation that revises the definition of a health professional shortage area for purposes of this section; or

''(B) a regulation that revises the standards concerning priority of such an area under section 333A.

''(2) On issuing a regulation described in paragraph (1), the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that describes the regulation.

''(3) Each regulation described in paragraph (1) shall take effect 180 days after the committees described in paragraph (2) receive a report referred to in such paragraph describing the regulation.''.

(2) REPEAL.—Subsection (b) of section 302 of the Health Care Safety Net Amendments of 2002 (Public Law 107–251) is repealed.

(g) ASSIGNMENT OF CORPS PERSONNEL.—Section 333(a)(1) of the Public Health Service Act (42 U.S.C. 254f) is amended by moving subparagraph (C) so that the margin of subparagraph (C) is aligned with the margins of subparagraphs (A), (B), and (D).

(h) PRIORITIES IN ASSIGNMENT OF CORPS PERSONNEL.—Section 333A(c)(4) of the Public Health Service Act (42 U.S.C. 254f–1(c)(4)) is amended by striking ''30 days'' and inserting ''30 days from such notification''.

(i) CHARGES FOR SERVICES.—Section 334(b)(1)(B) of the Public Health Service Act (42 U.S.C. 254g(b)(1)(B)) is amended by inserting ''the payment of'' after ''applied to''.

(j) NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM.—Section 338A(d)(1) (42 U.S.C. 254l(d)(1)) is amended by moving subparagraph (B) so that the margin of subparagraph (B) is aligned with the margin of subparagraphs (A) and (C).

(k) NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENT PROGRAM.—Section 338B(e) of the Public Health Service Act (42 U.S.C. 254l–1) is amended by striking ''PARTICIPATION.—'' and all that follows through ''An individual'' and inserting ''PARTICIPATION.—An individual''.

(l) BREACH OF CONTRACT.—

(1) IN GENERAL.—Section 338E of the Public Health Service Act (42 U.S.C. 254o) is amended—

(A) in subsection (c)(1), by moving subparagraphs (A), (B), and (C), and the flush matter following subparagraph (C), 2 ems to the left; and

(B) by adding at the end the following:

''(f) The amendment made by section 313(a)(4) of the Health Care Safety Net Amendments of 2002 (Public Law 107–251) shall apply to any obligation for which a discharge in bankruptcy has not been granted before the date that is 31 days after the date of enactment of such Act.''.

(2) REPEAL.—Subsection (b) of section 313 of the Health Care Safety Net Amendments of 2002 (Public Law 107–251) is repealed.

(m) MISCELLANEOUS.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(1) in subsections (g)(1)(G)(ii), (k)(2), and (n)(1)(C) of section 224, and sections 317A(a)(2), 317E(c), and 318A(e), by striking ''330, 330(h)'' and inserting ''330'';

(2) in section 1313, by striking ''329, 330, and 330(h)'' and inserting ''329 and 330''; and

(3) in section 2652(a)(2), by striking ''section 340'' and inserting ''section 330(h)''.

(n) HEALTH CARE SAFETY NET AMENDMENTS OF 2002.—The Health Care Safety Net Amendments of 2002 (Public Law 107–251) is amended—

(1) in section 404(c)(5), by striking ''Health Care Financing Administration and the Health Research'' and inserting ''Centers for Medicare & Medicaid Services and the Health Resources''; and

(2) in section 501, by striking ''solvency for managed care networks'' and inserting ''guarantees of solvency for managed care networks or plans''.

SEC. 3. EFFECTIVE DATE.

This Act is deemed to have taken effect immediately after the enactment of Public Law 107–251.

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

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

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on H.R. 3038.

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

There was no objection.

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

Mr. Speaker, I am pleased that the House is considering H.R. 3038, the Health Care Safety Net Amendments Technical Corrections Act of 2003. H.R. 3038 introduced by the gentleman from Florida (Mr. BILIRAKIS), the subcommittee chairman, makes technical and conforming amendments to the Health Care Safety Net Amendments Act of 2002.

As Members may recall, this act strengthens several public health programs for low-income and underserved populations, including community health centers and the National Health Service Corps. Just this past week, a study conducted by GW University found that community health centers have helped to reduce health disparities in areas such as infant mortality, prenatal care, TB case rates, and age-adjusted death rates. This study highlights the impact that community

health centers are making in providing underserved Americans with access to affordable, high-quality health care.

H.R. 3038 strengthens the commitment that we have already made to community health centers. These changes are indeed technical, and they should be made to properly align the U.S. Code and clarify our original intent when we passed the bill last year. I urge my colleagues to support this legislation.

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

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

Mr. Speaker, I thank the gentleman from Michigan (Mr. UPTON) for bringing this bill to the floor today. The Committee on Energy and Commerce recently reported out a number of important bills, and I am pleased that the House will consider the passage of this bill and two others.

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Chairman BILIRAKIS and I have sponsored the Health Care Safety Net Amendments Technical Corrections Act, and the bill is what it says it is; it makes a number of what are essentially housekeeping changes to important legislation reauthorizing America's network of community health centers.

The legislation that was passed last year was intended to help community health centers continue to serve a patient population, as my friend from Michigan said, that would otherwise fall through the cracks. Passage of these technical corrections will ensure that the bill meets this goal.

I think this bill is particularly important albeit it is a technical corrections bill, but it is particularly important as we see articles in the paper the last couple of days that the United States has 2.5 million more uninsured people than it did a year ago. I think this bill, while it is something we should do, underscores the failure of the Bush administration and of the Congress to address the important issues of the 2.5 million uninsured and all the unemployment in this country that has caused it.

Nonetheless, this bill is a step in the right direction. Community health centers are essential to take care of those who, neither through their workplace nor government, has been provided the health insurance that they should have. I ask my colleagues to support the legislation.

Mr. BEREUTER. Mr. Speaker, this Member wishes to express his strong support for the Health Care Safety Net Amendments Technical Corrections Act of 2003 (H.R. 3038) and would like to commend the distinguished gentleman from Florida [Mr. BILIRAKIS], the Chairman of the House Energy and Commerce Subcommittee on Health, and the distinguished gentleman from Ohio [Mr. BROWN] the ranking member of the House Energy and Commerce Subcommittee on Health, for introducing this important legislation. This Member would also like to commend the distinguished gentleman from Louisiana [Mr. TAUZIN], Chairman of the House Energy and Commerce Committee, and the distinguished gentleman from Michigan [Mr. DINGELL], the ranking member of the House Energy and Commerce Committee, for their efforts to improve access to quality preventative and primary health care for the medically underserved—including the millions of Americans without health insurance coverage.

Yesterday, Nebraskans celebrated the opening of the People's Health Center of Lincoln—the first Federally Qualified Health Center (FQHC) in this Member's congressional district. The health center will provide valuable primary health care services to the residents of Lincoln and Lancaster County.

As the Peoples' Health Center of Lincoln becomes an established entity in the community and begins to grow in terms of size as well as patients served, this Member has no doubt that the facility will call upon the National Health Service Corps (NHSC) for assistance in meeting the critical needs of Nebraska's underserved population.

This technical corrections bill is extremely important to new and current FQHCs across the nation. The measure makes clarifying changes to reconfirm that facilities, like the Peoples' Health Center of Lincoln, automatically receive Health Professional Shortage Area (HPSA) designation, and subsequently become eligible for the placement of National Health Service Corps (NHSC) personnel. This Member would personally like to thank Representative Bilirakis and his staff for their help with clarifying the automatic HPSA language in particular.

The NHSC and the Health Centers program are both intended to address the health care needs of our nation's most underserved rural and urban communities. Previous requirements mandated that health centers and rural clinics apply for and obtain HPSA designation, even though each center already serves a Federally-designated Medically Underserved Area or population, to become eligible for the placement of NHSC personnel. This process certainly seems unnecessary and duplicative, resulting in a delay of needed practitioners at high-need health centers.

Mr. Speaker, in closing, this Member urges his colleagues to support H.R. 3038. Such action will reduce bureaucratic barriers and allow for the coordinated use of Federal resources in meeting the health care needs of areas that lack sufficient services.

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

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

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 3038.

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

A motion to reconsider was laid on the table.

NATIONAL BONE MARROW DONOR REGISTRY REAUTHORIZATION ACT

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3034) to amend the Public Health Service Act to reauthorize the National Bone Marrow Donor Registry, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3034

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 ''National Bone Marrow Donor Registry Reauthorization Act''.

SEC. 2. NATIONAL BONE MARROW DONOR REGISTRY.

(a) NATIONAL REGISTRY.—Section 379 of the Public Health Service Act (42 U.S.C. 274k) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''except that'' and all that follows and inserting ''except that—

''(A) such limitations shall not apply to the Chair of the board (or the Chair-elect) or to the member of the board who most recently served as the Chair; and

''(B) 1 additional consecutive 2-year term may be served by any member of the board who has no employment, governance, or financial affiliation with any donor center, recruitment group, transplant center, or cord blood bank.''; and

(B) in paragraph (4)—

(i) by striking ''the Naval Medical Research and Development Command'' and inserting ''the Department of Defense Marrow Donor Recruitment and Research Program operated by the Department of the Navy''; and

(ii) by striking ''Organ'' after ''Division of'';

(2) in subsection (b)—

(A) in paragraph (4), by inserting ''at least'' before ''annually'';

(B) in paragraph (7), by striking ''and comparisons of transplant centers regarding search and other costs that prior to transplantation are charged to patients by transplant centers; and'';

(C) in paragraph (8), by inserting ''and outreach'' after ''and demonstration'';

(D) at the end of paragraph (8), by striking the period and inserting a semicolon;

(E) by redesignating paragraphs (3) through (8) as paragraphs (4) through (9);

(F) by inserting after paragraph (2), the following:

''(3) maintain and expand medical emergency contingency response capabilities in concert with Federal programs for response to threats of use of terrorist or military weapons that can damage marrow, such as ionizing radiation or chemical agents containing mustard, so that the capability of supporting patients with marrow damage from disease can be used to support casualties with marrow damage;''; and

(G) by adding at the end the following:

''(10) conduct and support research to improve the availability, efficiency, safety, and cost of transplants from unrelated donors and the effectiveness of Registry operations;

''(11) increase the number of umbilical cord blood units listed in the Registry and assist cord blood banks in the Registry program in accordance with subsection (c); and

''(12) establish bylaws and procedures—

''(A) to prohibit any member of the board of directors of the Registry who has an employment, governance, or financial affiliation with a donor center, recruitment group, transplant center, or cord blood bank from participating in any decision that materially affects the center, recruitment group, transplant center, or cord blood bank; and

''(B) to limit the number of members of the board with any such affiliation.'';

(3) in subsection (c)—

(A) in clause (ii) of paragraph (2)(A), by striking ''; including providing updates''; and

(B) in paragraph (3), by striking ''the availability, as a potential treatment option, of receiving a transplant of bone marrow from an unrelated donor'' and inserting ''transplants from unrelated donors as a treatment option and resources for identifying and evaluating other therapeutic alternatives'';

(4) in subsection (d)—

(A) in paragraph (2)(C), by inserting ''and assist with information regarding third party payor matters'' after ''ongoing search for a donor'';

(B) in paragraph (2)(F)—

(i) by redesignating clause (v) as clause (vi); and

(ii) by inserting after clause (iv) the following:

''(v) Information concerning issues that patients may face after a transplant regarding continuity of care and quality of life.''; and

(C) in paragraph (3)(B), by striking ''Office may'' and inserting ''Office shall'';

(5) in subsection (g), by striking ''the bone marrow donor program of the Department of the Navy'' and inserting ''the Department of Defense Marrow Donor Recruitment and Research Program operated by the Department of the Navy'';

(6) in subsection (h)—

(A) by striking ''APPLICATION.—'' and inserting ''CONTRACTS.—'';

(B) by striking ''To be eligible'' and inserting the following:

''(1) APPLICATION.—To be eligible''; and

(C) by adding at the end the following:

''(2) CONSIDERATIONS.—In awarding contracts under this section, the Secretary shall give substantial weight to the continued safety of donors and patients and other factors deemed appropriate by the Secretary.'';

(7) in subsection (i), by striking ''include'' and inserting ''be''; and

(8) by striking subsection (l).

(b) BONE MARROW SCIENTIFIC REGISTRY.—Section 379A of the Public Health Service Act (42 U.S.C. 274l) is amended—

(1) in subsection (a), by adding at the end the following: ''The scientific registry shall participate in medical research that has the potential to improve transplant outcomes.'';

(2) in subsection (c), by striking ''Each such report shall in addition include the data required in section 379(l) (relating to pretransplant costs).''; and

(3) by adding after subsection (c) the following:

''(d) PUBLICLY AVAILABLE DATA.—The scientific registry shall make relevant scientific information not containing individually identifiable information available to the public in the form of summaries and data sets to encourage medical research and to provide information to transplant programs, physicians, and patients.''.

(c) BONE MARROW AND MARROW DEFINED.—Part I of title III of the Public Health Service Act (42 U.S.C. 274k et seq.) is amended—

(1) by redesignating section 379B as section 379C; and

(2) by inserting after section 379A the following:

''SEC. 379B. BONE MARROW AND MARROW DEFINED.

''For purposes of this part, the terms 'bone marrow' and 'marrow' include bone marrow and any other source of hematopoietic progenitor cells the acquisition or use of which is not inconsistent with Federal law.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 379C of the Public Health Service Act, as redesignated by subsection (c), is amended to read as follows:

''SEC. 379C. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—For the purpose of carrying out this part, there are authorized to be appropriated $32,000,000 for fiscal year 2004, and such sums as may be necessary for each of the fiscal years 2005 through 2008.

''(b) EMERGENCY CONTINGENCY RESPONSE CAPABILITIES.—In addition to the amounts authorized to be appropriated under subsection (a), there are authorized to be appropriated such sums as may be necessary for the maintenance and expansion of emergency contingency response capabilities under section 379(b)(3).''.

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

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

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

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

There was no objection.

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

Mr. Speaker, I am pleased that the House is considering today H.R. 3034, the National Bone Marrow Donor Registry Reauthorization Act to extend Federal support for a national bone marrow registry for an additional 5 years.

Bone marrow transplants are often one of the last options available to patients struggling to fight debilitating and often terminal diseases. Sadly, finding a bone marrow match is most difficult. In fact, every year nearly two-thirds of patients in need of a bone marrow transplant will not find a marrow donor match within their family and must rely on the help of strangers. The National Bone Marrow Donor Registry facilitates marrow and cord blood transplants for patients with life-threatening diseases who do not have matching donors in their families.

In addition to the 5-year reauthorization period, H.R. 3034 amends the functions of the National Bone Marrow Donor Registry to reflect new directions that the National Bone Marrow Donor Registry is undertaking to improve its capabilities. Notably, the legislation directs the registry to maintain and expand medical response capabilities, in concert with Federal programs, for responding to terrorist threats that can damage marrow. The registry is also directed to increase the number of umbilical cord blood units listed in the registry and assist cord blood banks in the registry program. This is of special importance to many minority populations who are less likely to find a bone marrow match.

H.R. 3034 also includes provisions to improve data collection and facilitate information sharing with physicians, other health care professionals and the public regarding transplants from unrelated donors.

Each month, the National Bone Marrow Donor Registry coordinates more than 150 transplants. With a diverse registry of more than 4 million potential volunteer bone marrow and cord blood donors, the National Bone Marrow Donor Registry offers hope to thousands and thousands of patients. It is important that we reauthorize this successful program.

Mr. Speaker, I urge my colleagues to support this piece of legislation.

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

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

The National Bone Marrow Donor Registry Reauthorization Act offers significant improvements to a very successful public health initiative. I commend the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from New York (Mr. TOWNS), the gentleman from Georgia (Mr. LEWIS) and my colleagues in the Congressional Black Caucus for taking lead roles in advancing this legislation.

Tragically, Americans in need of life-saving bone marrow transplants often face daunting odds. In fact, the chance of finding a compatible unrelated donor is only about one in 20,000. As the largest and most diverse list of potential donors, the registry is America's best chance to improve those odds. With a database of roughly 4 million potential donors, it offers hope to the thousands of Americans diagnosed every year with blood, metabolism or immune system disorders.

The registry has facilitated over 14,000 transplants since 1987, but there is much work that needs to be done. The legislation before us today permits that work to continue and expand with enhanced efforts to educate the general public about the registry, as well as significant outreach to minority populations. The bill also creates important new authority to apply the knowledge gained in treating marrow diseases to the task of preparing the Nation for radiological and chemical attacks.

I would be remiss if I did not also thank the gentleman from Florida (Mr. YOUNG), who has done remarkable work on this issue for as long as I have been in Congress. I thank him for his participation and urge my colleagues to support this legislation.

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

Mr. UPTON. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would just like to say that the gentleman from Florida (Mr. YOUNG) not only has a great legacy in this House for so many different issues, particularly as chairman of the Committee on Appropriations, but one of the issues that bonded our friendship early on was his direction and sponsorship of this issue.

I would like to say that when I was, I think, a freshman or a sophomore Member in this House, because of the battle he helped lead, I joined with so many other Members of this body to actually register myself with the National Bone Marrow Donor Registry. I

hope someday that I will be called. Thus far, I have not, but I am one of those that has voluntarily registered. I would love the afternoon that I might get a phone call to say, ''Come on down; I want to draw a sample.''

Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman very much for yielding me the time, and I appreciate his management of this bill and also the gentleman from Ohio (Mr. BROWN).

This is an important piece of legislation. We actually got this program started without an authorization bill by working it through an appropriations bill back in 1985. It has been an ongoing program and an ongoing commitment of mine for a long time.

I appreciate also the gentleman from Louisiana (Mr. TAUZIN), the chairman of the committee, and the gentleman from Florida (Mr. BILIRAKIS), the chairman of the subcommittee, for moving this bill and working with us to make sure that it meets all of the new, modern requirements of the bone marrow program.

I will be very brief, Mr. Speaker, and say that back in the 1980s when we determined that it was necessary to have a program of this type, those in our government who dealt with health issues said, It can't be done. They said, You'll never get maybe 20-, 30-, 40,000 people willing to be a bone marrow donor and that wouldn't work because the chances of finding a donor are about one in 20,000 of finding a donor that will actually match the patient. It is critical that the bone marrow of the patient and the donor match.

And so I am happy to report that although they said it could not be done, we have 5 million people in the registry today, and we are exchanging bone marrow and patients across the oceans with 14 other countries that have patterned bone marrow programs like ours to join with us.

It is a very successful program. We are learning more about it every day. We are saving lives every day. As the gentleman from Michigan said, this is the last resort. You do not go to a bone marrow transplant unless your disease is terminal. This procedure can be used in 60 or more types of blood diseases.

There are thousands and thousands of heroes out there who have actually made donations of their bone marrow to help save a life. It is a life-changing experience to become a bone marrow donor and know that you personally have saved the life of a young child or even an adult, and you have at least given them a second chance for life.

I would like to include in my remarks some of the early heroes like Admiral Zumwalt, who was one of the real soldiers in this battle to make this happen.

Again, I just thank the Congress for the tremendous support that we have had all the way through as we create this program, as we appropriate the money to keep it funded.

Mr. Speaker, I rise in strong support of H.R. 3034, legislation I have introduced to reauthorize the National Bone Marrow Donor Registry.

At the outset, let me thank the Chairman of the Energy and Commerce Committee, my colleague from Louisiana Mr. TAUZIN, and the Chairman of the Subcommittee on Health, my colleague and neighbor from Florida Mr. BILIRAKIS, for helping expedite the consideration of this legislation. I have worked closely with them and with their staffs throughout the drafting of H.R. 3034 to ensure its timely and smooth passage through both the House and Senate.

Mr. Speaker, the National Marrow Donor Program is a true modern medical miracle that save lives here and throughout the world every single day of the year. Since its establishment more than 16 years ago, the registry has grown to more than 5,000,000 volunteers. These are true volunteers in every sense of the word. They have given of their time to take a simple blood test to be listed in the national registry. For more than 16,000 who have been called upon to donate bone marrow, they have undergone a relatively simple surgical procedure to donate their bone marrow to save the life of a man, woman or child with leukemia or one of 60 otherwise fatal blood disorders.

Having had the great pleasure to meet with hundreds of donors and patients, I can tell you that donating bone marrow is a true life-changing experience. The experience of giving life to another human being is beyond mere words.

Through the National Marrow Donor Program, we have also made marrow donation a world-changing experience. On any given day, bone marrow from our registry is being flown around the world at the same time bone marrow is being flown to a U.S. hospital through our formal relationship with 14 other international registries.

Mr. Speaker, at a time when our Nation seeks to bring the nations and the people of the world closer together, to live in peace, and better understand each other, we can look to the National Marrow Donor Program as one important way to achieve these goals. There is no greater cause then to save a life, and with the ongoing support of every member of this House we can adopt this legislation today to continue to work of this program for the next 5 years.

There are many heroes who have contributed to the work and vision of this program. From the early days when we sought a home for the program, and had a few doors slammed in our faces, there was Admiral Elmo Zumwalt, Jr. and Dr. Bob Graves. There was Captain Bob Hartzman of the United States Navy who connected us with the Navy Medical Command where we appropriated the first small amount of funding to give birth to the program. There were the early medical pioneers such as Dr. Robert Good, Dr. John Hansen, Dr. Donnell Thomas, and Dr. Jerry Barbosa, all of whom helped perfect the science of marrow transplantation and who assisted us in our legislative quest to establish a federal registry.

There were Members of Congress, past and present, who stood by me as I sought funding to start up the program, to recruit marrow donors, and to perfect the marrow transplant procedures. There were my colleagues on the Appropriations and Energy and Commerce Committees who helped expedite these funding requests and the consideration of several authorization bills.

There were the members of the board of the National Marrow Donor Program and the Marrow Foundation, who have volunteered their time to establish a finely tuned international registry that quickly and efficiently matches marrow donors and patients to give them the best chance of a successful transplant. There is the staff of the NMDP, based in Minneapolis, Minnesota but with operations throughout our nation, who manage the flow of information and marrow around the world. And there is the staff and medical teams at the transplant and donor centers who use their medical expertise to complete the transplantation procedure.

Finally, there are the true heroes of the program, the patients and donors. Every patient that has sought a marrow transplant has helped the doctors and researchers perfect the marrow transplant procedure to improve the outcome for every future patient. And every donor who has rolled up his or her sleeve to sign up for the national registry and ultimately give a bit of their bone marrow has given the ultimate gift of life. They are the heroes without whom we would not have this tremendously successful national and international life-saving program.

Mr. Speaker, in closing, let me again thank Chairmen TAUZIN and BILIRAKIS for their ongoing support and for the support of the members of the Energy and Commerce Committee in moving this legislation so quickly. Finally, let me thank every Member of this House for their partnership in helping us continue the work of the National Marrow Donor Program. With your support, we are giving hope to thousands of patients here and throughout the world today and into the future.

Mr. TOWNS. Mr. Speaker, The National Bone Marrow Donor Registry, operated by the National Marrow Donor Program (NMDP), is a precious national resource that we must continue to support. I was happy to join my colleagues, Chairman BILL YOUNG and Chairman MIKE BILIRAKIS, in introducing H.R. 3034, ''The National Bond Marrow Registry Reauthorization Act.'' In particular, I am extremely pleased that we are considering this bill in an expeditious manner to ensure that there is no gap in the continuation of this important program. I am also pleased that my colleagues, Mr. FORD of Tennessee and Mr. LEWIS of Georgia have indicated their endorsement for this legislation.

Since its inception, the NMDP has worked tirelessly to build a Registry that helps Americans in need. I applaud the donors who are true American heroes. They are willing to help individuals who they do not even know by taking the time to donate their marrow, blood, or cord blood. We can all hope to emulate their generosity and selflessness.

We honor these men and women, of all races and ethnicities, by reauthorizing the Registry. Since 1986, there have been many scientific advances in the area of bone marrow transplants. The NMDP continues to work diligently to improve the odds of every American being able to find a match through the Registry. Its efforts have led to an increase of the number of minority donors who participate in the Registry, as well as the number of minorities who have access to these life-saving transplants.

Today, I call on my colleagues to continue their support of the NMDP and its important

mission. We should approve H.R. 3034 today so that we can ensure a timely reauthorization of the Bone Marrow Registry.

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today in support of H.R. 3034, the National Bone Marrow Donor Registry Reauthorization Act.

I want to commend the work of the co-sponsors of this legislation, the Representative of Florida, and Representative of New York. Your leadership on this issue has been remarkable and I commend your efforts.

It is a tragedy for Americans in need of bone marrow or stem cell donation to remain unconnected with willing donors. The National Bone Marrow Donor Registry has helped connect thousands of Americans in need of assistance with donors across the country. The additional resources this bill authorizes will help us expand this network and save even more lives.

I want to particularly commend the Registry's effort to recruit minority donors for their database. Blood diseases extract an especially heavy toll on minority populations, and improving the diversity of the donor pool should be an important part of our response to this problem.

Mr. Speaker, I want to commend the efforts of St. Luke's Hospital in Kansas City. Their Kansas City Blood and Marrow transplant program recruits new donors, finds matches, and coordinates the donation process. Since its inception in 1996, the Transplant Center at St. Lukes has performed over 450 transplants and connected thousands in our region with needed care. As a result of their hard work, the Center has been named a member of the United Resource Network centers of excellence program. These courageous efforts save thousands of lives each year. I congratulate them for being a model to our Nation.

Mr. Speaker, this bipartisan legislation is vital. I urge my colleagues to join me today in support of H.R. 3034.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in strong support of H.R. 3034, the National Bone Marrow Donor Registry Reauthorization Act.

Today we are able to prolong hope for so many individuals waiting for a match to their bone marrow by reauthorizing the National Bone Marrow Donor Registry for another five years. For many people waiting for a transplant due to various illnesses, the task of finding a donor is a long and costly process. Each year two-thirds of patients awaiting bone marrow transplants are unsuccessful in finding a match within their family. This is why the establishment of a national registry was crucial.

About seventy percent of leukemia and other blood disorder patients do not find a match within their family. A match would be someone with certain white blood cells, called antigens, which are similar or identical to the patient's. These transplants enable patients the opportunity to live a full life, whereas without the transplant they would have little or no chance of survival.

From the organization of a donor registry through the United States Navy in 1986 to this current extension of the National Registry, it is clear that Congress takes this issue to heart. Each member of this House has someone in their district who has been touched by one of the debilitating diseases that need a bone marrow transplant, often as a last option.

Mr. Speaker, in closing, I would like to thank Chairman YOUNG for his leadership on the National Bone Marrow Donor Registry Reauthorization Act. Because of his family's own experience with the seriousness of bone marrow transplants, he has emerged as a leader in the issue and is committed to the cause. I urge all my colleagues to support this important reauthorization.

Ms. BORDALLO. Mr. Speaker, I rise today in support of H.R. 3034 which reauthorizes the National Bone Marrow Donor Registry. I commend Chairman YOUNG for his leadership in this critical program. Through his efforts in establishing the National Bone Marrow Donor Registry he has given countless people another chance at life.

Through the recruitment of the National Marrow Donor Program (NMDP), which manages the Registry, patients there are over 5 million potential donors. Through NMDP outreach efforts in 19 countries, patients have access to an additional 2.5 million potential donors. In fact, approximately 40 percent of transplants facilitated by NMDP involves a U.S. patient receiving stem cells from an international donor or an international donor receiving stems cells from a U.S. donor.

The importance of the Registry cannot be overstated and I commend and fully support the efforts of the National Marrow Donor Program for their recruitment efforts, especially for their efforts to recruit potential donors from diverse racial or ethnic groups.

The critical need for donors of African-American, Asian/Pacific Islander, Hispanic, American Indian/Alaska Native descent was made clear to me by the story of a five-year-old little girl from Guam whose life was cut short by leukemia.

Her name was Justice Taitague. Her best chance for life was a marrow transplant from a member of her ethnic group. The donor list at the time could not provide a match, but everyone involved in her care would not give up. Through the efforts of Dr. Thomas Shieh, the Guam Medical Society, and the National and Hawaiian Marrow Donor Programs, the first ever marrow drive on Guam was held on her behalf. This ''Drive for Justice'' registered thirty-four hundred volunteers in just three days.

Tragically, she passed away less than a week after the drive. But her life has given hope to others of Asian/Pacific Island descent needing a stem-cell transplant and helped us to understand the importance of the National Marrow Donor Program.

Mr. Speaker, I fully support H.R. 3034 to reauthorize the National Marrow Donor Registry. There is still a critical need for donors from the Asian, Pacific Islander and other minority communities to give the gift of life. Join the Registry.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 3034, as amended.

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

A motion to reconsider was laid on the table.

ANIMAL DRUG USER FEE ACT OF 2003

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1260) to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs.

The Clerk read as follows:

H.R. 1260

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 ''Animal Drug User Fee Act of 2003''.

SEC. 2. FINDINGS.

Congress finds as follows:

(1) Prompt approval of safe and effective new animal drugs is critical to the improvement of animal health and the public health.

(2) Animal health and the public health will be served by making additional funds available for the purpose of augmenting the resources of the Food and Drug Administration that are devoted to the process for review of new animal drug applications.

(3) The fees authorized by this title will be dedicated toward expediting the animal drug development process and the review of new and supplemental animal drug applications and investigational animal drug submissions as set forth in the goals identified, for purposes of part 4 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Energy and Commerce of the House of Representatives and the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate as set forth in the Congressional Record.

SEC. 3. FEES RELATING TO ANIMAL DRUGS.

Subchapter C of chapter VII of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 379f et seq.) is amended by adding at the end the following part:

''PART 4—FEES RELATING TO ANIMAL DRUGS

''SEC. 739. DEFINITIONS.

''For purposes of this subchapter:

''(1) The term 'animal drug application' means an application for approval of any new animal drug submitted under section 512(b)(1). Such term does not include either a new animal drug application submitted under section 512(b)(2) or a supplemental animal drug application.

''(2) The term 'supplemental animal drug application' means—

''(A) a request to the Secretary to approve a change in an animal drug application which has been approved; or

''(B) a request to the Secretary to approve a change to an application approved under section 512(c)(2) for which data with respect to safety or effectiveness are required.

''(3) The term 'animal drug product' means each specific strength or potency of a particular active ingredient or ingredients in final dosage form marketed by a particular manufacturer or distributor, which is uniquely identified by the labeler code and product code portions of the national drug code, and for which an animal drug application or a supplemental animal drug application has been approved.

''(4) The term 'animal drug establishment' means a foreign or domestic place of business which is at one general physical location consisting of one or more buildings all of which are within 5 miles of each other, at which one or more animal drug products are manufactured in final dosage form.

''(5) The term 'investigational animal drug submission' means—

''(A) the filing of a claim for an investigational exemption under section 512(j) for a new animal drug intended to be the subject of an animal drug application or a supplemental animal drug application, or

''(B) the submission of information for the purpose of enabling the Secretary to evaluate the safety or effectiveness of an animal drug application or supplemental animal drug application in the event of their filing.

''(6) The term 'animal drug sponsor' means either an applicant named in an animal drug application, except for an approved application for which all subject products have been removed from listing under section 510, or a person who has submitted an investigational animal drug submission that has not been terminated or otherwise rendered inactive by the Secretary.

''(7) The term 'final dosage form' means, with respect to an animal drug product, a finished dosage form which is approved for administration to an animal without substantial further manufacturing. Such term includes animal drug products intended for mixing in animal feeds.

''(8) The term 'process for the review of animal drug applications' means the following activities of the Secretary with respect to the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions:

''(A) The activities necessary for the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

''(B) The issuance of action letters which approve animal drug applications or supplemental animal drug applications or which set forth in detail the specific deficiencies in animal drug applications, supplemental animal drug applications, or investigational animal drug submissions and, where appropriate, the actions necessary to place such applications, supplements or submissions in condition for approval.

''(C) The inspection of animal drug establishments and other facilities undertaken as part of the Secretary's review of pending animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

''(D) Monitoring of research conducted in connection with the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

''(E) The development of regulations and policy related to the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

''(F) Development of standards for products subject to review.

''(G) Meetings between the agency and the animal drug sponsor.

''(H) Review of advertising and labeling prior to approval of an animal drug application or supplemental animal drug application, but not such activities after an animal drug has been approved.

''(9) The term 'costs of resources allocated for the process for the review of animal drug applications' means the expenses incurred in connection with the process for the review of animal drug applications for—

''(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees consulted with respect to the review of specific animal drug applications, supplemental animal drug applications, or investigational animal drug submissions, and costs related to such officers, employees, committees, and contractors, including costs for travel, education, and recruitment and other personnel activities,

''(B) management of information, and the acquisition, maintenance, and repair of computer resources,

''(C) leasing, maintenance, renovation, and repair of facilities and acquisition, maintenance, and repair of fixtures, furniture, scientific equipment, and other necessary materials and supplies, and

''(D) collecting fees under section 740 and accounting for resources allocated for the review of animal drug applications, supplemental animal drug applications, and investigational animal drug submissions.

''(10) The term 'adjustment factor' applicable to a fiscal year refers to the formula set forth in section 735(8) with the base or comparator year being 2003.

''(11) The term 'affiliate' refers to the definition set forth in section 735(9).

''SEC. 740. AUTHORITY TO ASSESS AND USE ANIMAL DRUG FEES.

''(a) TYPES OF FEES.—Beginning in fiscal year 2004, the Secretary shall assess and collect fees in accordance with this section as follows:

''(1) ANIMAL DRUG APPLICATION AND SUPPLEMENT FEE.—

''(A) IN GENERAL.—Each person that submits, on or after September 1, 2003, an animal drug application or a supplemental animal drug application shall be subject to a fee as follows:

''(i) A fee established in subsection (b) for an animal drug application; and

''(ii) A fee established in subsection (b) for a supplemental animal drug application for which safety or effectiveness data are required, in an amount that is equal to 50 percent of the amount of the fee under clause (i).

''(B) PAYMENT.—The fee required by subparagraph (A) shall be due upon submission of the animal drug application or supplemental animal drug application.

''(C) EXCEPTION FOR PREVIOUSLY FILED APPLICATION OR SUPPLEMENT.—If an animal drug application or a supplemental animal drug application was submitted by a person that paid the fee for such application or supplement, was accepted for filing, and was not approved or was withdrawn (without a waiver or refund), the submission of an animal drug application or a supplemental animal drug application for the same product by the same person (or the person's licensee, assignee, or successor) shall not be subject to a fee under subparagraph (A).

''(D) REFUND OF FEE IF APPLICATION REFUSED FOR FILING.—The Secretary shall refund 75 percent of the fee paid under subparagraph (B) for any animal drug application or supplemental animal drug application which is refused for filing.

''(E) REFUND OF FEE IF APPLICATION WITHDRAWN.—If an animal drug application or a supplemental animal drug application is withdrawn after the application or supplement was filed, the Secretary may refund the fee or portion of the fee paid under subparagraph B if no substantial work was performed on the application or supplement after the application or supplement was filed. The Secretary shall have the sole discretion to refund the fee under this paragraph. A determination by the Secretary concerning a refund under this paragraph shall not be reviewable.

''(2) ANIMAL DRUG PRODUCT FEE.—Each person—

''(A) who is named as the applicant in an animal drug application or supplemental animal drug application for an animal drug product which has been submitted for listing under section 510, and

''(B) who, after September 1, 2003, had pending before the Secretary an animal drug application or supplemental animal drug application;

shall pay for each such animal drug product the annual fee established in subsection (b). Such fee shall be payable for the fiscal year in which the animal drug product is first submitted for listing under section 510, or is submitted for relisting under section 510 if the animal drug product has been withdrawn from listing and relisted. After such fee is paid for that fiscal year, such fee shall be payable on or before January 31 of each year. Such fee shall be paid only once for each animal drug product for a fiscal year in which the fee is payable.

''(3) ANIMAL DRUG ESTABLISHMENT FEE.—Each person—

''(A) who owns or operates, directly or through an affiliate, an animal drug establishment, and

''(B) who is named as the applicant in an animal drug application or supplemental animal drug application for an animal drug product which has been submitted for listing under section 510, and

''(C) who, after September 1, 2003, had pending before the Secretary an animal drug application or supplemental animal drug application,

shall be assessed an annual fee established in subsection (b) for each animal drug establishment listed in its approved animal drug application as an establishment that manufactures the animal drug product named in the application. The annual establishment fee shall be assessed in each fiscal year in which the animal drug product named in the application is assessed a fee under paragraph (2) unless the animal drug establishment listed in the application does not engage in the manufacture of the animal drug product during the fiscal year. The fee shall be paid on or before January 31 of each year. The establishment shall be assessed only one fee per fiscal year under this section, provided, however, that where a single establishment manufactures both animal drug products and prescription drug products, as defined in section 735(3), such establishment shall be assessed both the animal drug establishment fee and the prescription drug establishment fee, as set forth in section 736(a)(2), within a single fiscal year.

''(4) ANIMAL DRUG SPONSOR FEE.—Each person—

''(A) who meets the definition of an animal drug sponsor within a fiscal year; and

''(B) who, after September 1, 2003, had pending before the Secretary an animal drug application, a supplemental animal drug application, or an investigational animal drug submission,

shall be assessed an annual fee established under subsection (b). The fee shall be paid on or before January 31 of each year. Each animal drug sponsor shall pay only one such fee each fiscal year.

''(b) FEE AMOUNTS.—Except as provided in subsection (a)(1) and subsections (c), (d), (f), and (g), the fees required under subsection (a) shall be established to generate fee revenue amounts as follows:

''(1) TOTAL FEE REVENUES FOR APPLICATION AND SUPPLEMENT FEES.—The total fee revenues to be collected in animal drug application fees under subsection (a)(1)(A)(i) and supplemental animal drug application fees under subsection (a)(1)(A)(ii) shall be

$1,250,000 in fiscal year 2004, $2,000,000 in fiscal year 2005, and $2,500,000 in fiscal years 2006, 2007, and 2008.

''(2) TOTAL FEE REVENUES FOR PRODUCT FEES.—The total fee revenues to be collected in product fees under subsection (a)(2) shall be $1,250,000 in fiscal year 2004, $2,000,000 in fiscal year 2005, and $2,500,000 in fiscal years 2006, 2007, and 2008.

''(3) TOTAL FEE REVENUES FOR ESTABLISHMENT FEES.—The total fee revenues to be collected in establishment fees under subsection (a)(3) shall be $1,250,000 in fiscal year 2004, $2,000,000 in fiscal year 2005, and $2,500,000 in fiscal years 2006, 2007, and 2008.

''(4) TOTAL FEE REVENUES FOR SPONSOR FEES.—The total fee revenues to be collected in sponsor fees under subsection (a)(4) shall be $1,250,000 in fiscal year 2004, $2,000,000 in fiscal year 2005, and $2,500,000 in fiscal years 2006, 2007, and 2008.

''(c) ADJUSTMENTS.—

''(1) INFLATION ADJUSTMENT.—The revenues established in subsection (b) shall be adjusted by the Secretary by notice, published in the Federal Register, for a fiscal year to reflect the greater of—

''(A) the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; United States city average) for the 12-month period ending June 30 preceding the fiscal year for which fees are being established; or

''(B) the total percentage change for the previous fiscal year in basic pay under the General Schedule in accordance with section 5332 of title 5, United States Code, as adjusted by any locality-based comparability payment pursuant to section 5304 of such title for Federal employees stationed in the District of Columbia.

The adjustment made each fiscal year by this subsection will be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2004 under this subsection.

''(2) WORKLOAD ADJUSTMENT.—After the fee revenues are adjusted for inflation in accordance with subparagraph (1), the fee revenues shall be further adjusted each fiscal year after fiscal year 2004 to reflect changes in review workload. With respect to such adjustment:

''(A) This adjustment shall be determined by the Secretary based on a weighted average of the change in the total number of animal drug applications, supplemental animal drug applications for which data with respect to safety or effectiveness are required, manufacturing supplemental animal drug applications, investigational animal drug study submissions, and investigational animal drug protocol submissions submitted to the Secretary. The Secretary shall publish in the Federal Register the fees resulting from this adjustment and the supporting methodologies.

''(B) Under no circumstances shall this workload adjustment result in fee revenues for a fiscal year that are less than the fee revenues for that fiscal year established in subsection (b), as adjusted for inflation under subparagraph (c)(1).

''(3) FINAL YEAR ADJUSTMENT.—For fiscal year 2008, the Secretary may further increase the fees to provide for up to 3 months of operating reserves of carryover user fees for the process for the review of animal drug applications for the first 3 months of fiscal year 2009. If the Food and Drug Administration has carryover balances for the process for the review of animal drug applications in excess of 3 months of such operating reserves, then this adjustment will not be made. If this adjustment is necessary, then the rationale for the amount of the increase shall be contained in the annual notice setting fees for fiscal year 2008.

''(4) ANNUAL FEE SETTING.—The Secretary shall establish, 60 days before the start of each fiscal year beginning after September 30, 2003, for that fiscal year, animal drug application fees, supplemental animal drug application fees, animal drug sponsor fees, animal drug establishment fees, and animal drug product fees based on the revenue amounts established under subsection (b) and the adjustments provided under this subsection.

''(5) LIMIT.—The total amount of fees charged, as adjusted under this subsection, for a fiscal year may not exceed the total costs for such fiscal year for the resources allocated for the process for the review of animal drug applications.

''(d) FEE WAIVER OR REDUCTION.—

''(1) IN GENERAL.—The Secretary shall grant a waiver from or a reduction of 1 or more fees assessed under subsection (a) where the Secretary finds that—

''(A) the assessment of the fee would present a significant barrier to innovation because of limited resources available to such person or other circumstances,

''(B) the fees to be paid by such person will exceed the anticipated present and future costs incurred by the Secretary in conducting the process for the review of animal drug applications for such person,

''(C) the animal drug application or supplemental animal drug application is intended solely to provide for use of the animal drug in—

''(i) a Type B medicated feed (as defined in section 558.3(b)(3) of title 21, Code of Federal Regulations (or any successor regulation)) intended for use in the manufacture of Type C free-choice medicated feeds, or

''(ii) a Type C free-choice medicated feed (as defined in section 558.3(b)(4) of title 21, Code of Federal Regulations (or any successor regulation)),

''(D) the animal drug application or supplemental animal drug application is intended solely to provide for a minor use or minor species indication, or

''(E) the sponsor involved is a small business submitting its first animal drug application to the Secretary for review.

''(2) USE OF STANDARD COSTS.—In making the finding in paragraph (1)(B), the Secretary may use standard costs.

''(3) RULES FOR SMALL BUSINESSES.—

''(A) DEFINITION.—In paragraph (1)(E), the term 'small business' means an entity that has fewer than 500 employees, including employees of affiliates.

''(B) WAIVER OF APPLICATION FEE.—The Secretary shall waive under paragraph (1)(E) the application fee for the first animal drug application that a small business or its affiliate submits to the Secretary for review. After a small business or its affiliate is granted such a waiver, the small business or its affiliate shall pay application fees for all subsequent animal drug applications and supplemental animal drug applications for which safety or effectiveness data are required in the same manner as an entity that does not qualify as a small business.

''(C) CERTIFICATION.—The Secretary shall require any person who applies for a waiver under paragraph (1)(E) to certify their qualification for the waiver. The Secretary shall periodically publish in the Federal Register a list of persons making such certifications.

''(e) EFFECT OF FAILURE TO PAY FEES.—An animal drug application or supplemental animal drug application submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for filing by the Secretary until all fees owed by such person have been paid. An investigational animal drug submission under section 739(5)(B) that is submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for review by the Secretary until all fees owed by such person have been paid. The Secretary may discontinue review of any animal drug application, supplemental animal drug application or investigational animal drug submission from a person if such person has not submitted for payment all fees owed under this section by 30 days after the date upon which they are due.

''(f) ASSESSMENT OF FEES.—

''(1) LIMITATION.—Fees may not be assessed under subsection (a) for a fiscal year beginning after fiscal year 2003 unless appropriations for salaries and expenses of the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) are equal to or greater than the amount of appropriations for the salaries and expenses of the Food and Drug Administration for the fiscal year 2003 (excluding the amount of fees appropriated for such fiscal year) multiplied by the adjustment factor applicable to the fiscal year involved.

''(2) AUTHORITY.—If the Secretary does not assess fees under subsection (a) during any portion of a fiscal year because of paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without any modification in the rate, for animal drug applications, supplemental animal drug applications, investigational animal drug submissions, sponsors, animal drug establishments and animal drug products at any time in such fiscal year notwithstanding the provisions of subsection (a) relating to the date fees are to be paid.

''(g) CREDITING AND AVAILABILITY OF FEES.—

''(1) IN GENERAL.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriations Acts. Such fees are authorized to be appropriated to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses appropriation account without fiscal year limitation to such appropriation account for salary and expenses with such fiscal year limitation. The sums transferred shall be available solely for the process for the review of animal drug applications.

''(2) COLLECTIONS AND APPROPRIATION ACTS.—

''(A) IN GENERAL.—The fees authorized by this section—

''(i) shall be retained in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation for such fiscal year, and

''(ii) shall only be collected and available to defray increases in the costs of the resources allocated for the process for the review of animal drug applications (including increases in such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such process) over such costs, excluding costs paid from fees collected under this section, for fiscal year 2003 multiplied by the adjustment factor.

''(B) COMPLIANCE.—The Secretary shall be considered to have met the requirements of subparagraph (A)(ii) in any fiscal year if the costs funded by appropriations and allocated for the process for the review of animal drug applications—

''(i) are not more than 3 percent below the level specified in subparagraph (A)(ii); or

''(ii)(I) are more than 3 percent below the level specified in subparagraph (A)(ii), and fees assessed for the fiscal year following the subsequent fiscal year are decreased by the

amount in excess of 3 percent by which such costs fell below the level specified in subparagraph (A)(ii); and

''(II) such costs are not more than 5 percent below the level specified in subparagraph (A)(ii).

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fees under this section—

''(A) $5,000,000 for fiscal year 2004;

''(B) $8,000,000 for fiscal year 2005;

''(C) $10,000,000 for fiscal year 2006;

''(D) $10,000,000 for fiscal year 2007; and

''(E) $10,000,000 for fiscal year 2008;

as adjusted to reflect adjustments in the total fee revenues made under this section and changes in the total amounts collected by animal drug application fees, supplemental animal drug application fees, animal drug sponsor fees, animal drug establishment fees, and animal drug product fees.

''(4) OFFSET.—Any amount of fees collected for a fiscal year under this section that exceeds the amount of fees specified in appropriations Acts for such fiscal year shall be credited to the appropriation account of the Food and Drug Administration as provided in paragraph (1), and shall be subtracted from the amount of fees that would otherwise be authorized to be collected under this section pursuant to appropriation Acts for a subsequent fiscal year.

''(h) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under subsection (a) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to subchapter II of chapter 37 of title 31, United States Code.

''(i) WRITTEN REQUESTS FOR WAIVERS, REDUCTIONS, AND REFUNDS.—To qualify for consideration for a waiver or reduction under subsection (d), or for a refund of any fee collected in accordance with subsection (a), a person shall submit to the Secretary a written request for such waiver, reduction, or refund not later than 180 days after such fee is due.

''(j) CONSTRUCTION.—This section may not be construed to require that the number of full-time equivalent positions in the Department of Health and Human Services, for officers, employees, and advisory committees not engaged in the process of the review of animal drug applications, be reduced to offset the number of officers, employees, and advisory committees so engaged.

''(k) ABBREVIATED NEW ANIMAL DRUG APPLICATIONS.—The Secretary shall—

''(1) to the extent practicable, segregate the review of abbreviated new animal drug applications from the process for the review of animal drug applications, and

''(2) adopt other administrative procedures to ensure that review times of abbreviated new animal drug applications do not increase from their current level due to activities under the user fee program.''.

SEC. 4. ACCOUNTABILITY AND REPORTS.

(a) PUBLIC ACCOUNTABILITY.—

(1) CONSULTATION.—In developing recommendations to Congress for the goals and plans for meeting the goals for the process for the review of animal drug applications for the fiscal years after fiscal year 2008, and for the reauthorization of sections 739 and 740 of the Federal Food, Drug, and Cosmetic Act (as added by section 3), the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall consult with the Committee on Energy and Commerce of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, appropriate scientific and academic experts, veterinary professionals, representatives of consumer advocacy groups, and the regulated industry.

(2) RECOMMENDATIONS.—The Secretary shall—

(A) publish in the Federal Register recommendations under paragraph (1), after negotiations with the regulated industry;

(B) present the recommendations to the Committees referred to in that paragraph;

(C) hold a meeting at which the public may comment on the recommendations; and

(D) provide for a period of 30 days for the public to provide written comments on the recommendations.

(b) PERFORMANCE REPORTS.—Beginning with fiscal year 2004, not later than 60 days after the end of each fiscal year during which fees are collected under part 4 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report concerning the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 2(3) of this Act toward expediting the animal drug development process and the review of the new and supplemental animal drug applications and investigational animal drug submissions during such fiscal year, the future plans of the Food and Drug Administration for meeting the goals, the review times for abbreviated new animal drug applications, and the administrative procedures adopted by the Food and Drug Administration to ensure that review times for abbreviated new animal drug applications are not increased from their current level due to activities under the user fee program.

(c) FISCAL REPORT.—Beginning with fiscal year 2004, not later than 120 days after the end of each fiscal year during which fees are collected under the part described in subsection (a), the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the implementation of the authority for such fees during such fiscal year and the use, by the Food and Drug Administration, of the fees collected during such fiscal year for which the report is made.

SEC. 5. SUNSET.

The amendments made by section 3 shall not be in effect after October 1, 2008, and section 4 shall not be in effect after 120 days after such date.

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

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

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

Mr. Speaker, as the lead sponsor of the Animal Drug User Fee Act of 2003, I am very pleased that we are taking up this bill on the House floor today. Closely modeled after the very successful Prescription Drug User Fee Act of 1992 for human drugs, the Animal Drug User Fee Act is designed to give the FDA's Center for Veterinary Medicine the resources and incentives needed to significantly improve the animal drug review process.

This bill was unanimously approved by the Committee on Energy and Commerce and is supported by a broad coalition of veterinary and producer groups, including the American Veterinary Medical Association and the American Farm Bureau, to name just two of the coalition members.

We would not be here on the floor today were it not for the strong bipartisan support that this legislation received in our committee. I would like to especially acknowledge my original cosponsor and author of the bill, the gentlewoman from Colorado (Ms. DEGETTE), committee chairman and ranking member, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL), our Subcommittee on Health Chair, the gentleman from Florida (Mr. BILIRAKIS), and the ranking member, the gentleman from Ohio (Mr. BROWN), who is here today, as well as the Members on both sides of the aisle who have cosponsored this legislation.

I am grateful, too, for the hard work of our committee staff, Brent Delmonte, Patrick Ronan, and John Ford and for the assistance we have received from the FDA and the Animal Health Alliance, particularly my staff, Jane Williams.

This legislation is sorely needed. Despite a statutory review time of 180 days, the average new animal drug application review currently takes about a year and a half and it may drag on for even longer. The slowdown in review time is jeopardizing the supply of new, safe and effective animal drugs needed to keep our pets, flocks and herds healthy and help provide American consumers with a safe and wholesome food supply.

Under this proposal, H.R. 1260, the additional revenues generated from fees paid by the pioneer animal drug industry would be dedicated for use in expediting the testing and review of new animal drugs in accordance with the performance goals that have been mutually agreed upon by the FDA and the animal drug industry.

As FDA Commissioner Mark McClellan has noted, a faster, more predictable review process is expected to spur more spending on research and development by the industry, promoting animal health by increasing the availability and diversity of new, safe and effective products.

I encourage my colleagues to vote for this much-needed bipartisan bill.

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

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

I rise in support of the Animal Drug User Fee Act. I thank the gentleman from Michigan (Mr. UPTON), also the gentleman from Florida (Mr. BILIRAKIS), the gentleman from Louisiana (Mr. TAUZIN), and the gentleman from Michigan (Mr. DINGELL) for their excellent work on this bill, especially the work that the gentlewoman from Colorado (Ms. DEGETTE) did as the author of this legislation.

H.R. 1260, Mr. Speaker, builds on a successful program for fee-funded expedited review of new human drug applications authorized in 1992 by something called the Prescription Drug User Fee Act, known as PDUFA, the congressional acronym that we are wont to do around here.

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We also reauthorized PDUFA some years ago. Congress has done a generally good job in speeding the approval process through the Prescription Drug User Fee Act. We have done not quite as good a job on expediting the approval of generic drugs, something that we need to work with the FDA to accelerate. It takes oftentimes as long as 18 months for a generic drug, something that costs consumers money by the slowness of the approval process.

I think this legislation on animal drugs is almost as important as those other two in terms of what it does with pets, what it does with zoos, and especially what it does with cattle and poultry. We have found, Mr. Speaker, in terms of an issue of antibiotic resistance where we have drugs that are on the market to cure animals, and sometimes those drugs have lost their effectiveness, as they have in the human population, and it is important that this legislation, H.R. 1260, the gentleman from Michigan's (Mr. UPTON) bill, get through Congress because it does, in fact, help to put more drugs on the market, more antibiotics in some indications to deal with the problems of antibiotic resistance.

We have had debates on the House floor that the gentleman from Florida (Mr. BILIRAKIS) has been part of on this whole issue of antibiotic resistance. We have seen the use of nontherapeutic drugs given for prophylactic purposes to cattle and poultry, given for growth treatments for cattle and poultry where there has been some residue from those drugs in the human population that have caused problems with antibiotic resistance, both in the animals and, after human consumption, in human beings. And it is especially important in light of the fact that we really have not fixed that problem. We still use far too many drugs for nontherapeutic purposes for cattle and poultry. It is important that this legislation passes because I think H.R. 1260 will help us deal with that.

I again ask for support for this legislation. It matters for our pets. It matters for zoos. It matters for production of cattle and poultry, and it ultimately matters in human health. I ask my colleagues to support H.R. 1260.

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

Mr. UPTON. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. STEARNS), my friend and an important supporter of this legislation, a member of the Committee on Energy and Commerce.

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

Mr. STEARNS. Mr. Speaker, I thank my distinguished colleague, who is chairman of the Telecommunications and the Internet Subcommittee and has been very active in this, for yielding me this time.

I obviously rise in support of H.R. 1260, the Animal Drug User Fee Act. By funding more FDA drug reviewers, Mr. Speaker, this act will help accelerate approval of important veterinarian drugs, resulting in the comfort and treatment of countless companions, pets, zoo animals and livestock.

This is very important. I am proud of the major veterinary school in my congressional district. The College of Veterinary Medicine in the University of Florida, Florida's only veterinary college, offers comprehensive service to the public through a fourfold mission: teaching, research, extension to the community, and patient care. And I am proud, Mr. Speaker, to be wearing a University of Florida tie in honor of their efforts and their leadership this morning. In fact, at this school, no creature is too small, too large, too pesky, or too dangerous for these fine veterinarians to treat, such as the endangered Florida panthers or even some exotic tropical birds. They have a Performance Animal Physiology Clinic, a Pharmacology and Disease Division, which, in fact, studies humane treatment of equine and greyhound species, athletes among pets. All of these animals, all of them, will benefit from innovative pharmaceuticals that are brought to the market in a more expedited manner.

In addition, one of the Nation's foremost thoroughbred horse industries is located in my hometown of Ocala, Florida. We are actually known as the horse capital of the world. We have 460 horse farms located in Ocala and in Marion County. The Florida Thoroughbred Breeders' and Owners' Association, Florida Thoroughbred Charities, and other equine-related concerns all serve a tremendously important part of our economy and this Nation's entertainment.

Do they demand the best medicines available in the world, available as quickly as possible for their pets and their assets? Absolutely. This bill will help, and that is why I am pleased to support this, and I thank the gentleman from Michigan (Mr. UPTON) for his very energetic work on behalf of this, and, of course, for my vet school and horse-owning friends in Florida's 6th Congressional District.

Mr. BROWN of Ohio. Mr. Speaker, I yield 4 minutes to the gentlewoman from Colorado (Ms. DEGETTE), author of the bill.

Ms. DEGETTE. Mr. Speaker, I would like to add my thanks to the gentleman from Michigan (Mr. UPTON) for taking the lead on this important piece of legislation and also for his diligence in making sure that it was brought to the floor today and the leadership on both sides of the aisle of the House subcommittee of the Committee on Energy and Commerce. It is always a pleasure to write and pass a bill with full bipartisan support.

The bill will improve the public's health, the efficiency of FDA's drug approval process, and perhaps most importantly to some, the health of the family pet and of our livestock in this country. In our society, pets have become even more important to Americans, and just like with humans, pharmaceuticals have helped improve the quality of our pets lives. My sister has a 16-year-old dog that is on insulin and several antiinflammatory drugs for arthritis just like senior citizens in this country, and her pet's health has been helped by these drugs, and thereby her family's situation has been improved, and they are happy to have their pet.

Unfortunately, up until now, drugs have not been able to be approved with speed like they are for humans, and the Animal Drug User Fee Act is closely modeled after the Prescription Drug User Fee Act, which was enacted 10 years ago. The purpose of this legislation is twofold: to increase resources available to the FDA so that it may speed up the approval process for pharmaceuticals, and also to maintain monitoring of the safety and efficacy of all pharmaceuticals. Decreasing delays of the approval process is a necessary step to keeping up with medical innovation, and this applies to drug for animals as well as for humans. The monitoring is an essential function that safeguards the public's health.

Ensuring the safety and efficacy of pharmaceuticals is of paramount importance. I am well aware of some of the issues with PDUFA, some of which were discussed by the gentleman from Ohio (Mr. BROWN), but I feel strongly that we must increase the FDA's work capacity. This bill has been carefully crafted on both sides of the aisle to avoid the problems of the past, and as my colleagues have heard, it was unanimously passed by the Committee on Energy and Commerce.

This bill, ADUFA, requires the Center for Veterinary Medicine at the FDA to meet performance standards in exchange for a 5-year infusion of funds.

By collecting fees from animal drug manufacturers, the FDA will be able to decrease the review time of new drug applications. These delays, which have been considerable in the past, prevent pharmaceuticals from entering the market. I am very pleased that the FDA has also worked very closely with us on the bill and is willing to implement the new program.

Increasing access to animal drugs not only helps lengthen and improve the lives of the family pet, but it will also, and perhaps more importantly, have a wide-ranging impact on our Nation's food supply and will improve prevention of food-borne disease epidemics. For example, for more than 40 years, antibiotics have played a critical role in keeping our Nation's food animals healthy. Without such treatments, illness would be transmitted to humans,

and the livestock market would be more susceptible to devastation. Therefore, we must continue to develop new treatments and quickly bring them to market, but we cannot do that without the speedy approval of the FDA.

I am particularly concerned about the food and medicine supply of this country. This commitment to safety that we are showing today through this legislation starts with the FDA's examination and approval of new pharmaceuticals and continues as these legal drugs are manufactured and distributed throughout the Nation. Commitment to safety must always be a part of the system.

The benefits of this bill are substantial, and, therefore, I am very pleased to cosponsor the bill. Vote yes on H.R. 1260, the Animal Drug User Fee Act.

Mr. GOODLATTE. Mr. Speaker, animal medicines are used to assist livestock producers raising and maintaining healthy, high quality stock and ultimately, in delivering safe and wholesome food to American dinner tables. They are also used to keep pets healthy, which contributes to the quality of life for millions of companion animal owners.

The Food and Drug Administration's Center for Veterinary Medicine (CVM) is currently experiencing unprecedented delays in its review of new product submissions. The delays are severe and problematic for the submission sponsors, for CVM, and for veterinarians, livestock and poultry producers, and pet owners in need of new and innovative products to combat animal disease—at a time when animal disease around the world is capturing headlines. The deadlock at the Center also has a chilling effect on the animal health industry's investment in important research and development, threatening the pipeline of products that will be important to livestock and poultry producers in managing their production in the future. The lack of these tools imperils not only animal health but also has implications for the food supply and food safety.

In 1966 Congress, with industry support, enacted the Animal Drug Availability Act to streamline drug review and approval procedures. Contrary to Congressional intent and despite additional resources, it is now more difficult than ever to get new products approved. Unfortunately, this situation is detrimental to veterinarians, to livestock and poultry producers, to food producers and to the public. As a result, it is important for Congress and the Administration to take action to ensure that the CVM can better manage its resources and personnel and make institutional changes to fulfill its mandated mission and responsibilities.

Modeled after the successful Prescription Drug User Fee Act, the Animal Drug User Fee Act will increase efficiencies in review times for new animal pharmaceuticals by providing CVM with additional resources to allow for improved communication between FDA and product sponsors and more expeditious FDA actions on applications.

Mr. Speaker, I congratulate Congressman UPTON for his leadership and that of the full Committee on Energy and Commerce for bringing this important legislation to the floor today and urge all Members to support it.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 1260.

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

A motion to reconsider was laid on the table.

CONGRATULATING FORT DETRICK ON 60 YEARS OF SERVICE TO U.S.

Mr. BARTLETT of Maryland. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 271) congratulating Fort Detrick on 60 years of service to the United States, as amended.

The Clerk read as follows:

H. CON. RES. 271

Whereas April 10, 2003, was the 60th anniversary of the founding of the Army installation in Frederick, Maryland, named Fort Detrick;

Whereas Fort Detrick is designated as an Army Medical Installation and is home to the United States Army Medical Research and Materiel Command (USAMRMC), one of two campuses of the National Cancer Institute (NCI-Frederick), and 36 other organizations of the Department of Defense and other Federal departments;

Whereas the primary missions of the organizations at Fort Detrick include biomedical research and development, medical materiel management, and global telecommunications;

Whereas throughout that installation's 60-year history, the personnel and organizations assigned to that installation have contributed scientific breakthroughs and medical solutions for the Armed Forces and the Nation;

Whereas Fort Detrick is a focal point for the Nation's biomedical scientific leadership and has contributed extensively to protecting and improving public health in the United States;

Whereas Fort Detrick has been home to preeminent researchers in bacteriology, microbiology, clinical and preventative medicine, biochemistry, neurology, botany, virology, and genomics;

Whereas the research program at Fort Detrick was a pioneer in the laboratory facility designs, equipment, and procedures that are used for infectious disease research in laboratories worldwide;

Whereas researchers at Fort Detrick have improved public health throughout the world through the creation of botulinum antibodies, which have been used to treat both infant and adult victims of botulism;

Whereas the Venezuelan equine encephalitis vaccines, which were created at Fort Detrick, have been used to control human and animal outbreaks of Venezuelan equine encephalitis, and the Rift Valley Fever vaccines, which were also created at Fort Detrick, have been used to protect people in Egypt, Saudi Arabia, Yemen, and other countries who are at high risk of Rift Valley Fever;

Whereas, on January 27, 1969, the Office of the Surgeon General of the Army established the United States Army Medical Research Institute of Infectious Diseases (hereinafter in this resolution referred to as the ''Institute''), which is located at Fort Detrick and is the Department of Defense's lead laboratory for medical aspects of biological warfare defense;

Whereas when outbreaks of hantaviral disease began in the southwestern United States in 1993, the Institute was called upon by the Centers for Disease Control and Prevention and by various State health departments for consultations;

Whereas when the Ebola virus was first carried to the shores of the United States in late 1989 by a primate colony found in Reston, Virginia, it was researchers at the Institute who diagnosed and contained the outbreak;

Whereas the Institute also played a key role in the identification of and response to the initial outbreak of West Nile virus in New York;

Whereas the Institute continues its life-saving work by collaborating with the Centers for Disease Control and Prevention and the National Institutes of Health on the development of diagnostics and the evaluation of antiviral drugs for Severe Acute Respiratory Syndrome;

Whereas the Institute created a vaccine against hemorrhagic fever in the 1980s, which has possibly saved thousands of lives in Argentina, including the lives of agricultural workers at risk for exposure to this hemorrhagic fever virus;

Whereas the Institute was the only Federal laboratory to maintain a continuous diagnostic reference capability on a 24-hour per day basis after the attacks of September 11, 2001, and provided expertise in medical diagnostics and decontamination that was key to ensuring that congressional office buildings were safe to reoccupy after the anthrax mail attacks in the fall of 2001;

Whereas leading vaccine candidates for anthrax, plague, tularemia, and botulinum neurotoxins were all originally developed at the Institute;

Whereas the basic research program at the Institute is responsible for some of the most promising medical countermeasures against the leading biological threats that are on the ''A'' List of the Centers for Disease Control and Prevention;

Whereas the Institute has established a partnership with the National Institute of Allergy and Infectious Diseases of the National Institutes of Health to collaborate and accelerate biodefense research that will protect all Americans against the threat of biological and chemical attacks by terrorists;

Whereas in 1974, the United States Army Medical Materiel Agency was relocated to Fort Detrick and the Navy, Air Force, and Army all now conduct medical logistics planning and management at Fort Detrick in support of global military operations;

Whereas the Foreign Disease-Weed Science Research Unit of the Agricultural Research Service of the Department of Agriculture has conducted high-priority research in the Plant Pathogen Containment Facility at Fort Detrick for over 30 years, providing the agricultural community with basic epidemiological information and rapid diagnostic assays for exotic threatening and emerging crop diseases, such as Karnal bunt of wheat, soybean rust, potato late blight, and plum pox virus;

Whereas Company B, 4th Light Armored Reconnaissance Battalion, 4th Marine Division, United States Marine Corps Reserve, which has been assigned to Fort Detrick since October 1987, had a mission of reconnaissance and security in support of a Marine Air/Ground Task Force and received the Meritorious Unit Citation for its service during Operation Desert Storm;

Whereas the Army's 1108th Signal Brigade at Fort Detrick provides important strategic

communication support to the White House and the Joint Chiefs of Staff; and

Whereas the National Cancer Institute-Frederick at Fort Detrick, one of two campuses of the National Cancer Institute of the National Institutes of Health, is an internationally recognized center for scientific excellence in the prevention, detection, and treatment of cancer and AIDS: Now, therefore, be it

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

(1) congratulates Fort Detrick, Maryland, on 60 years of service to the Nation; and

(2) commends the military and civilian personnel of the Army, other elements of the Department of Defense, and other Federal departments and agencies who have worked diligently at Fort Detrick since its founding—

(A) to defend the United States against biological and chemical attack; and

(B) to develop vaccines for all types of illnesses.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. BARTLETT) and the gentleman from Texas (Mr. ORTIZ) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. BARTLETT).

GENERAL LEAVE

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

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

There was no objection.

Mr. BARTLETT of Maryland. Mr. Speaker, I yield myself such time as I may consume.

As the cosponsor of H. Con. Res. 271, I rise to congratulate Fort Detrick on 60 years of outstanding service to our Nation. Fort Detrick, located in Frederick, Maryland, employs men and women who are among the Nation's most preeminent researchers in bacteriology, microbiology, clinical and preventive medicine, biochemistry, neurology, botany, virology, and genomics. These scientists and technicians have an unparalleled record protecting the men and women in America's Armed Forces from the scourge of biowarfare.

They have also led the world's fight against many infectious diseases. Today workers at Fort Detrick are helping to protect and improve the health of all Americans, as well as people around the world.

During the height of World War II, in 1943, scientists converged at Camp Detrick when the War Department began to address the threat of biological warfare. In 1956, the U.S. Army Medical Unit was formed to develop medical countermeasures which included rapid and effective diagnostic and identification procedures. Throughout the Cold War, Fort Detrick developed and matured many of the standard protocols and technology utilized in biomedical research.

In 1969, the U.S. Army Medical Research Institute of Infectious Diseases, USAMRIID, was established to continue America's defense against biological agents.

Of today's top six biological threats, the CDC's ''A'' list, the leading candidate countermeasures for at least five of the six have come from the basic research program at USAMRIID. Leading vaccine candidates for anthrax, plague, and neurotoxins were all originally developed at USAMRIID. The technology used to develop a new smallpox vaccine was first demonstrated at USAMRIID. The National Cancer Institute-Frederick is an internationally recognized center for scientific excellence in the prevention, detection, and treatment of cancer and AIDS. Three billion dollars in congressionally directed research into breast and prostate cancer have been done at the NCI, which is located at Fort Detrick.

Fort Detrick is also a home of the 1108th Signal Brigade, the U.S. Army Medical Material Agency, and the 4th Light Armored Vehicle Battalion of the U.S. Marine Corps Reserve. The Foreign Disease-Weed Science Research Unit of the Department of Agriculture is also located at Fort Detrick and has conducted high-priority research in exotic threatening and emerging crop diseases for over 30 years.

The National Institutes of Health will be constructing an integrated biomedical research facility at the post to support the biodefense mission of the National Institute of Allergy and Infectious Diseases. The Department of Homeland Security is considering joining NIAID and USAMRIID in an expanded biodefense campus at Fort Detrick. Fort Detrick is the logical location because of the 60-year record of accomplishments, the existing facilities and the productive partnerships already in place between the military and many civilian agencies of the Federal Government.

Fort Detrick is a focal point for America's biomedical scientific leadership. I congratulate all of the thousands of former and current employees for their outstanding service to our Nation.

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

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

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

Mr. ORTIZ. Mr. Speaker, I join my colleague from Maryland (Mr. BARTLETT) in support of this resolution and urge my colleagues to support it as well.

Fort Detrick is one of the most important lines of defense should we ever be attacked with a chemical or biological weapon. Since 1969, it has been our Nation's lead laboratory for the medical aspects of biological warfare defense.

□ 1215

The September 11 attacks used civilian airplanes as weapons of mass destruction; but it raises the specter of a terrorist attack that would use a chemical, biological, or nuclear weapon against us. I hope such an attack never occurs; but if it does, the men and women of Fort Detrick are devoted to improving the ways to quickly detect the use of chemical or biological weapons, halt the spread of chemical and biological agents as quickly as possible, and treat the victims of the attack.

But the mission of Fort Detrick goes beyond just protecting against chemical or biological attack. Fort Detrick has played a leading role in protecting our Nation and other nations against all types of infectious diseases. They helped identify the West Nile Virus several summers ago, and they created a vaccine in the 1980s that probably saved the lives of thousands of Argentinians from an agricultural virus. Fort Detrick has been a world leader in research of microbiology, biochemistry, botany, and other scientific disciplines that are necessary to understanding how to detect and treat lethal viruses.

Fort Detrick also serves as home to one of the two campuses of the National Cancer Institute of the National Institutes of Health. This NIH campus is internationally recognized for its contribution to cancer and AIDS research.

The mission of Fort Detrick goes beyond research as well. Since 1974, all medical logistical support of global military operations is planned and managed by Fort Detrick. This is an extremely important mission as our troops are flung worldwide in the global war on terrorism. And as my good friend, the gentleman from Maryland (Mr. BARTLETT), mentioned, the Army's 1108th Signal Brigade at Fort Detrick provides strategic communications support to the White House and the joint chiefs.

This is just a symbol of the accomplishments and missions of Fort Detrick, not an inventory of what they do. They do a great job.

Mr. Speaker, I commend and congratulate my good friend, the gentleman from Maryland (Mr. BARTLETT), for bringing this resolution to the floor.

Mr. RUPPERSBERGER. Mr. Speaker, as Congressman from Maryland's Second Congressional district home to Aberdeen and Fort Meade . . . I know what it means to represent our brave military men and women who continue to defend this nation abroad and here at home.

Many who protect us do so with weapons . . . and many protect us in otherways. . .

Fort Detrick is the premier military base for medical and biological research. The men and women that work at the Detrick have led the way in infectious disease and chemical warfare research.

Detrick began as a chemical research facility housing the research branch of The Army Chemical Warfare Service. It is also the home

to the Armed Forces Medical Intelligence Center (AFMIC).

Detrick is also home to U.S. Army Medical Research Institute of Infectious Disease (USAMRIID). These state of the art laboratories are continuing to develop vaccines and treatments to defend against offensive bioweapons. USAMRIID also has a large staff dedicated to finding cures for cancer.

I am proud that the United States has dedicated a military base to these problems and I am proud it is in the my home state of Maryland. It is imperative in this day of terrorism to be prepared for the new chemical and biological weapons. Today I am happy to honor the 60 years of research that Detrick has provided for the National Security of this Nation.

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

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

The SPEAKER pro tempore (Mr. SESSIONS). The question is on the motion offered by the gentleman from Maryland (Mr. BARTLETT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 271, as amended.

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

The title of the concurrent resolution was amended so as to read: ''Concurrent resolution congratulating Fort Detrick, Maryland, on 60 years of service to the Nation.''.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 2691, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2691), making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. DICKS

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

The Clerk read as follows:

Mr. DICKS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2691 be instructed to provide an additional $400,000,000 of emergency funding for fiscal year 2003 forest fire suppression costs.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Washington (Mr. DICKS) and the gentleman from North Carolina (Mr. TAYLOR) each will control 30 minutes.

The Chair recognizes the gentleman from Washington (Mr. DICKS).

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

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

This motion would instruct the conferees to agree to the additional $400 million of emergency firefighting funds in the Senate version of the fiscal year 2004 interior appropriations. These funds are desperately needed to repay the Department of the Interior and the Forest Service accounts that have been emptied to fight forest fires during the current fiscal year. We need this additional money. In fact, the agencies estimate that we need $171 million more than was provided by the Senate.

The decision of Chairman BURNS in the Senate to add an additional $400 million was in response to new agency estimates that show a shortfall of $860 million for fire. While the other body's amount does not fully address the problem, it would go a long way towards repaying the construction and land acquisition accounts of these agencies that have been pillaged, all because the administration did not request enough to fight fires.

My colleagues from the West understand this problem all too well, but I hope everyone is aware that other areas beyond the West face similar fire risks from record low rainfall. The National Fire Center reports that as of today, more than 3.1 million acres have burned. Nineteen large fires are still burning, affecting more than 350,000 acres.

The Forest Service and the BLM have already spent the money; they had no choice. But unlike other agencies, FEMA, for example, that get reimbursed, the Forest Service and BLM are forced to cancel construction projects, land acquisition, reforestation programs in our national forests, endangered species work, processing of grazing fees, and many other activities. These agencies simply cannot function and cannot do the work Congress directs them to do if year after year their accounts are drained for fires that we already know will occur, and if Congress does not reimburse these accounts.

In 2002, the Forest Service and BLM spent nearly $1.2 billion fighting fires. The administration requested repayment of $825 million, leaving $334 million still owed to the Forest Service and the BLM. This borrowing is over the amounts that Congress had previously appropriated. This cannot happen again and again. These cuts have real impacts and, in some cases, only compound the problems we have in our forests if the agencies do not have the money to do the thinnings and fuel-load reduction work that is necessary to avoid fire risk in the first place.

We all know this money is needed and that it is needed now. The conference should agree to the additional $400 million added by the Senate. I urge a ''yes'' vote on this motion.

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

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I sympathize with the comments of my good friend, the gentleman from Washington (Mr. DICKS). We have had a hard fire season this year. We just passed $289 million, the President just signed it yesterday, so we have added that amount in. We are working with the administration on the new amount, and I have no objection to the recommendation the gentleman has to the committee.

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

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Washington (Mr. DICKS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DICKS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

PARLIAMENTARY INQUIRY

Mr. DICKS. Mr. Speaker, I have a parliamentary inquiry.

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

Mr. DICKS. So when this comes back up, I have to be here to ask for a recorded vote?

The SPEAKER pro tempore. At that point the Chair will put the question de novo.

Mr. DICKS. I thank the Chair.

□ 1230

RECESS

The SPEAKER pro tempore (Mr. SESSIONS). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for 10 minutes.

Accordingly (at 12 o'clock and 32 minutes p.m.), the House stood in recess for 10 minutes.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore at 12 o'clock and 41 minutes p.m.

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

Mr. CASE. Mr. Speaker, I offer a motion to instruct conferees on H.R. 1.

The Clerk read as follows:

Mr. CASE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed as follows:

(1) The House recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D–13(e) of the Social Security Act, as added by section 101(a) of the Senate amendment.

(2) To reject the provisions of section 501 of the House bill.

(3) The House recede to the Senate on the following provisions of the Senate amendment to improve rural health care:

(A) Section 403 (relating to inpatient hospital adjustment for low volume hospitals).

(B) Section 404 (relating to medicare disproportionate share adjustment for rural areas), but with the effective date applicable under section 401(b) of the House bill.

(C) Section 404A (relating to MedPAC report on medicare disproportionate share hospital adjustment payments).

(D) The following provisions of section 405 (relating to critical access hospital improvements):

(i) Subsection (a), but with the effective date applicable under section 405(f)(4) of the House bill.

(ii) Subsection (b), but with the effective date applicable under section 405(c)(2) of the House bill.

(iii) Subsections (e), (f), and (g).

(E) Section 414 (relating to rural community hospital demonstration program).

(F) Section 415 (relating to critical access hospital improvement demonstration program).

(G) Section 417 (relating to treatment of certain entities for purposes of payment under the medicare program).

(H) Section 420 (relating to conforming changes relating to Federally qualified health centers).

(I) Section 420A (relating to increase for hospitals with disproportionate indigent care revenues).

(J) Section 421 (relating to establishment of floor on geographic adjustments of payments for physicians' services).

(K) Section 425 (relating to temporary increase for ground ambulance services), but with the effective date applicable under the amendment made by section 410(2) of the House bill.

(L) Section 426 (relating to appropriate coverage of air ambulance services under ambulance fee schedule).

(M) Section 427 (relating to treatment of certain clinical diagnostic laboratory tests furnished by a sole community hospital).

(N) Section 428 (relating to improvement in rural health clinic reimbursement).

(O) Section 444 (relating to GAO study of geographic differences in payments for physicians' services).

(P) Section 450C (relating to authorization of reimbursement for all medicare part B services furnished by Indian hospitals and clinics).

(Q) Section 452 (relating to limitation on reduction in area wage adjustment factors under the prospective payment system for home health services).

(R) Section 455 (relating to MedPAC study on medicare payments and efficiencies in the health care system).

(S) Section 459 (relating to increase in medicare payment for certain home health services).

(T) Section 601 (Increase in medicaid DSH allotments for fiscal years 2004 and 2005).

(4) The House insist upon the following provisions of the House bill:

(A) Section 402 (relating to immediate establishment of uniform standardized amount in rural and small urban areas).

(B) Section 403 (relating to establishment of essential rural hospital classification).

(C) Subsections (a), (b), (d), and (e) of section 405 (relating to improvements to critical access hospital program).

(D) Section 416 (relating to revision of labor-related share of hospital inpatient pps wage index).

(E) Section 417 (relating to medicare incentive payment program improvements).

(F) Section 504 (relating to wage index classification reform).

(G) Section 601 (relating to revision of updates for physician services).

(H) Section 1001 (relating to medicaid disproportionate share hospital (DSH) payments).

Mr. CASE (during the reading). Mr. Speaker, I ask unanimous consent that the motion to instruct be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Hawaii (Mr. CASE) and the gentleman from Florida (Mr. BILIRAKIS) each will control 30 minutes.

The Chair recognizes the gentleman from Hawaii (Mr. CASE).

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

Mr. Speaker, by my calendar, we now have 16 days until the October 17th deadline announced by the President and the Senate majority leader for completing the pending conference on the so-called Medicare reform bill. And still before this House, before this Chamber and the Senate and the country the unanswered question, in my mind, is: Does the current administration and does the congressional majority really care about health care for the American people?

Now, I know a lot of people around here really care about a lot of people around here that make a lot of money off of health care. And I know that a lot of people around here really care about spending money on a lot of things other than health care. I have seen that in my time here in Congress. And I have certainly heard a lot of talk, a lot of talk about health care. I have certainly heard a lot of talk about Medicare. But the question is: Do they really care? What do their actions demonstrate? Do they care about the people at the end of this food chain?

It is a long food chain from the halls of this Congress through the Federal Government and out through the health care community and down into the communities where people live, work and get sick. Do they really care about the people at the end? All of us do not just want affordable and available health care; we need it, and it has to be available and affordable.

When we look at where the people of our country live, who most want and most need health care, and when we look at where the assistance of our Federal Government should go, it is in the rural areas of our country, our small cities, our small towns, our hamlets, our isolated outposts, out where people live away from these urban centers where we live and do our work. And the reasons for that need are well documented, and I do not think anybody else has to tell us any more.

We all know why health care is so important to the rural areas of our country. First of all, we have less available preventive care throughout life, so when people get sick younger, they get sick worse in the rural part of our country. In the rural parts of our country today and down the road, people are older than in the urban parts of our country; they need health care more.

□ 1245

In the rural parts of our country people have lower incomes, higher unemployment, and when we have lower income and higher unemployment, health care suffers.

In the rural parts of our country, it always has been true that there has been less access to medical care and specialization, and that is getting worse.

Finally, in the rural parts of our country, there is simply less availability and coverage of health care insurance.

These are not just abstract thoughts. We can read about these in Federal reports. We can debate them here in Congress, but let us talk about real America, what happens out there in these communities, and let me talk about my community, the community that I represent, because I represent rural Hawaii. I do not represent downtown Honolulu. I represent the rural parts of my State, islands all of them, islands that are rural, islands with small cities, small towns, hamlets and outposts every bit as rural as the rest of our rural country, every bit as prone to all of these problems. They may have different names, but the concerns are the same.

Let me give my colleagues just a couple of examples of areas of my District which are just like any part of our country in terms of health care. Let us talk about the Hamakua Coast on the island of Hawaii, my home. The Hamakua Coast is about as rural as one can get in Hawaii. It is an agricultural-based economy. Its largest crop, sugar, failed along that coast 10, 15, 20 years ago. And these small towns now have people that grew up in the sugar industry and are trying to make a go of small business in agriculture in those small towns, small towns like Pepeekeo and Papaikou, Laupahoehoe, Paauilo, Honokaa, and their problem is health care.

Let us take West Hawaii, the other side of the same island, a part of my Hawaii that has some most of the rural areas of our whole State, North

Kohala, Ocean View down in South Kona and Kau. They want those rural communities to survive. West Hawaii used to have a surgeon that qualified for Medicare reimbursements. That surgeon is no longer there. There is no surgeon in West Hawaii at the moment for Medicare people.

So when I walk into the coffee shops, when I walk into the small family stores and small post offices of my district, when I go into the bon dances that are so much a part of our culture during the summer, and I sit down, and I talk to my constituents, and I ask them what is on their mind, they say health care, health care and health care.

This is not an abstract thought. They are scared about the availability of health care. They are scared about the availability of prescription drugs. They are scared about chronic disease and chronic illnesses and their ability to be able to take care of their medical needs. They are scared about long-term care, and their children are scared for their parents.

These are the realities of rural America. The availability of physicians in this part of my district is significant in the example that it shows for what is happening in rural health care. There are about two physicians per 1,000 in urban Honolulu, but if one gets out there into the rest of the communities in my district, the percentage drops well below one, down to 0.1 in communities like Molokai.

Let us talk about Molokai, because that is another good example. The island of Molokai, about as rural as one can get in America, an island, an island of 7,000 people living on it. They cannot hop a bus or a train or a boat to get to some critical access hospital when they have medical care. They have to fly, and flying is expensive. Thousands of dollars are being spent.

Hawaii is no different from the rest of rural America. I fly over rural America almost every weekend. I look down. I have been across it myself, and I look out, and I see places just like my rural Hawaii. They are their own islands. They may not be surrounded by water, but they are islands of isolation, islands of small towns, small hamlets, the prairie towns of the great plains, the mountain hamlets of the Sierra, the Rockies or Appalachia. This is our heartland, and they are scared about health care.

In rural America, health care is not an abstract thought either. It is a Federal program, Medicare. Health care in rural America is Medicare. For seniors in rural America, it is Medicare. For the disabled in rural America, it is Medicare, and because in rural America it is health care and health care is Medicare, as Medicare goes, so goes rural America.

If we do not have available and affordable medical coverage through Medicare, we have no rural America. If we do not have adequate reimbursements, no doctors, no hospitals, no clinics in rural America, we have no rural America. If we do not have adequate prescription coverage for our seniors and disabled that live in rural America through Medicare, we have no rural America.

So one of the things that it is incredibly important to realize is that the debate about Medicare is not just about Medicare. The debate about Medicare is not just about health care. The debate about America is about maintaining rural America. We have to take care of the needs of rural America, whether they are economic needs, where the manufacturing base is shrinking or whether they are land use needs, where the agricultural base is shrinking, and whether they are health care needs, where the needs are diminishing. That is the reality of Medicare.

H.R. 1, the Medicare Reform Bill, passed this House by a single vote. Like most of my colleagues on this sides of the aisle, I voted no on that bill, primarily because that bill did not help rural America. That bill did not do the job for rural America that we wanted it to do, and in fact, that bill hurt rural America, and I voted no. The motion before us today simply says this: Put your money where your mouth is.

There has been a lot of talk about helping rural America, but talk is cheap. Let us prove it. Do not get me wrong, there are some components in both the House version of Medicare reform and the Senate version of Medicare reform, there are isolated instances of help for rural America in both bills. That is not going to be good enough. As these 16 days tick by to the deadline set by our President and our Senate majority leader, our attention has to turn back to what are the best aspects of each bill for rural America, what are the best aspects of the bill that help the particular problems in rural America, what are the aspects of the bill that provide prescription drug coverage, what are the aspects of the bill that provide adequate reimbursements to hospitals and doctors.

On the island of Molokai, for example, we no longer have long-term care beds. Why? They cannot provide them under the reimbursement rate granted by Medicare. That may seem like an abstract thought, but imagine that a person has grown up their whole life on Molokai, and their family lives there, too, and it comes time for them to be taken care of in their old age, and they have to move islands, they have to leave their home because there is not the coverage available to be helpful to them if they are needy, and their family has to fly back and forth. That is not something we want to sanction.

We want to take the best of these two bills. We want to take the best of these bills on prescription drug coverage. We want to take the best of these bills on not cutting our hospital payments, and that is what this motion says.

This motion which has been brought three times now before this House by my colleagues, and I now bring it here today, simply says let us not talk anymore, let us do it. Let us take the best of these bills that we know will do the job, and let us adopt them in conference because we have the ingredients, right now, to do a good job for rural America. The question is will we do that job for rural America?

So this bill simply says, on prescription drug coverage, let us have a fall-back option. If there is no prescription drug coverage available under Medicare in our rural communities, then there is a fall-back provision on prescription drug coverage, not by the private sector, but by our government.

This motion says let us take the best of both the House and the Senate versions on reimbursing our providers. If we cannot provide basic services in our communities to those in need, there is something wrong, and we need to provide for the adequate reimbursements, and this bill says let us do that, and this bill also says that we need our hospitals, our critical access facilities in our rural areas. We need access in our rural areas.

Again, the example of Hawaii, a State that is an island State, where one cannot simply get to the urban center of Honolulu easily, where people are spending, like I said, thousands of dollars just on transportation needs because these are not available in their districts whether they be Kauai or Molokai or Maui or the Big Island, that we will provide the necessary payments to our hospitals to keep them open at a basic level of service for our rural areas. That is what this motion says, and I think it is pretty simple. It is a matter of priorities.

If our priorities are to ensure the health of our rural economies, our rural lifestyle, which is the heart land not only of our country but of our thinking, of our culture, then we need to protect these rural communities, and health care is the way to protect them.

So let us not avoid this anymore. Let us just vote on this motion, let us give our conferees direct instructions that we collectively care about rural health care and that we intend to follow through and that we will put our money where our mouth is.

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

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

Mr. Speaker, the gentleman makes a very good case for rural health care, and I commend him for that and because we have heard the same case made time and time again, and this is why we have provided an approximately $25 billion increase in payments to rural providers.

Before I go into that, I would advise the gentleman through the Chair, if I may, that I certainly agree with him regarding wellness, preventive health care and whatnot, and for something like 60 years or 30 years after Medicare was devised, we did not have, in Medicare, provisions for preventive health

care. And it was not until a few years ago, in the 1990s, in the late 1990s, when finally a group of us got together on a bipartisan basis and finally for the first time put some preventive health care coverage reimbursement, if you will, in order to cover those areas.

In the House bill, in the House bill, the gentleman has not referred to this, we have a provision to the effect that when a person is about to go under Medicare, there is a reimbursement coverage. In other words, provided payment by Medicare, for a one-time physical. It is a voluntary type of a thing, but a one-time physical to encourage people to take that physical before they go into Medicare, and with the idea, of course, that many problems, many illnesses, prospective illnesses might be picked up at a real early stage and thus save not only an awful lot of money, of course, to the taxpayer ultimately, but certainly save an awful lot of money and inconvenience and pain for the beneficiary.

This is what is in the House bill, as I understand it. It is not the Senate bill. It is one of those provisions that we, on the Member level in conference, are going to have to address. The American Cancer Society supports that provision, and it is my idea, and so, certainly, I support it. So I agree with the gentleman about preventive health care, and it is something we are trying to do.

This is, as the gentleman indicated, the fourth time the minority has offered this motion to instruct conferees. I do find it perplexing that they continue to offer this motion, and for one reason only, and that is because by definition, by definition, it would reduce the amount of funding available for the new Medicare prescription drug benefit by 10s of billions of dollars.

So, yes, do we want to increase and are we, in fact, increasing the reimbursements to rural Medicare providers? Yes, we are doing that. If we increase that amount, we are taking it from where? We are taking it, of course, from the prescription drug benefits available to seniors.

The author would have the Medicare conferees accept every rural provider increase contained in both bills, as he indicated. I would note for my colleagues, and I have already said this, that the House has already recognized the need to ensure the rural Medicare providers are paid fairly. In fact, the House-passed bill contains a $24.9 billion increase in payments to rural providers, which will help rural hospitals and physicians, among others, continue to provide care to rural Americans. So, if the House bill goes down, or if we do not have a bill, let us say both bills go down because we want perfection, the rural hospitals will lose $25 billion as a result of that decision.

Since the authors of this motion continue to emphasize that their motion will not cause us to exceed the $400 billion laid out in the budget resolution, we would have to reallocate funds, I have already said it, away from beneficiaries and towards whom? Towards rural providers.

□ 1300

Would we like to do that? Yes. Would we like to take it away from prescription drug benefits? The answer is no. I do not support it. I think the House bill strikes the right balance between providing a meaningful prescription drug benefit and helping ensure that providers, especially those in rural areas, continue to serve Medicare beneficiaries.

This motion would also, in some cases, require a type of government-run fallback. Although the House passed legislation, both bills have a fallback. The House passed legislation has a fallback. It already guarantees that every Medicare beneficiary will have a choice of the least two Medicare prescription drug plans.

In fact, the Congressional Budget Office tells us, and they are, of course, as bipartisan as you can be, that under both acts, CBO estimates that all Medicare beneficiaries would have access to prescription drug coverage. In spite of that, both bills have a fallback. They are good fallbacks. As time goes on, if, God forbid, we might have to fall back, if you will, to a fallback, and it looks like it is not working, then, of course, that is something that can be adjusted. But there really is not that much of a difference in terms of what the fallbacks are as I understand it. It is just the case of the Senate bill fallback would immediately fall back to the government picking up 100 percent of risk whereas the House bill affords flexibility, if you will, from the standpoint that one fallback may result in government picking up a certain percentage of risk in some areas and in some other areas and pick up a larger risk or smaller risk or something of that nature.

We have found that, in order to control costs, it is important that Medicare prescription drug sponsors share some of the risk associated with providing this new benefit. I am uncomfortable asking the Federal taxpayer to completely shoulder the weight of this new entitlement. That is why I do not think we need the government running prescription drug plans. But the fact of the matter is the fallback is there, and there is a guarantee in the House bill that a plan will be available for all beneficiaries.

And, finally, the motion instructs conferees to recede to the Senate and remove the hospital market-basket update adjustment contained in the House bill. I would note for my colleagues that we are not cutting hospital reimbursement. We are not cutting hospital reimbursement. We have hospitals all over, whether it be urban areas or rural areas, my area is somewhat in between, if you will, but we are not getting hospital reimbursements.

According to the Medicare Payment Advisory Commission, which we call MedPAC, it is the nonpartisan panel of experts that advises Congress on Medicare policy, hospitals currently make a 10 percent profit for Medicare inpatient services and a 5 percent profit, on average, for all services provided to Medicare patients.

So I have already emphasized, if you will, MedPAC unanimously advised Congress to increase payments by 3 percent, which is what the House bill does. We have gone along with basically the experts in that regard, MedPAC.

The $25 billion approximate increase in provider payments in rural areas is based on certain formulas. Iowa hospitals would receive a certain percentage, Hawaii hospitals receive a certain percentage, increases above and beyond that 3 percent I might add.

Additionally, and it has not been mentioned in the motion to instruct, but under the current law, Medicare providers would have reduced their reimbursement by 4.4 percent. The House bill increases that by 1.5 percent. You are talking about a swing of 5.9 percent to Medicare providers, M.D.-type providers, if you will, which would take place if we enact this legislation into law. If we defeat this legislation and defeat any version of this type of legislation, those providers would be hurting. The rural providers would be hurting considerably more than they are now. And obviously, the beneficiaries, to whom we have promised prescription drugs of a sort, would be hurting.

Mr. Speaker, given the progress the conferees have made toward reaching an agreement, progress is being made, it is slow, there is no question about it, but it is moving, I would hope that conferees are given the opportunity to work through their differences between both bills. After all, that is what the system is all about. There are differences between the House version and the Senate version. And conferees were appointed on a bipartisan basis in order to try to work out those differences.

Basically what we are saying to the gentleman and to the entire House is give the conferees the opportunity to work, and hopefully we will be able to successfully address the many competing issues in a satisfactory way.

And more importantly, in addition to helping the rural providers and rural hospitals, all providers, et cetera, we will be providing our seniors with a prescription drug benefit that they need so very desperately.

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

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

Mr. Speaker, before yielding to my colleagues, I would simply note that as to the last comment made by the gentleman from Florida (Mr. BILIRAKIS) on the bipartisan nature of this conference, I think it is well known within this Congress, and I hope that it is well known outside of this Chamber, that the minority party is not particularly participating in that conference and is

not particularly being consulted. And as a result, we are certainly willing and able to do that in the full glare of publicity before the whole country.

Mr. Speaker, I yield 4 minutes to the gentleman from Arkansas (Mr. BERRY), a person who understands rural communities, understands rural concerns. He lives them.

Mr. BERRY. Mr. Speaker, I want to thank the gentleman from Hawaii (Mr. CASE) for his leadership in this matter. And I can say that I know that my distinguished colleague, the gentleman from Florida (Mr. BILIRAKIS), cares about senior citizens and their health. I know that there are many Members on both sides of the aisle that have a genuine concern about what happens to our health care system and what happens to our senior citizens. But I have to tell you, Mr. Speaker, as we consider H.R. 1, and just as my distinguished colleague, the gentleman from Hawaii (Mr. CASE), just mentioned, every meeting of the conference committee does not include the Democrats. I do not know why that is, but that is the way it works around here.

I would probably call this H.R. 1 bill that we are working with right now, I would be more inclined to call it a fallback or a fall-off or fell-off or jump-off or some characterization like that because this bill just simply does not provide any kind of a guarantee for our senior citizens as to what it will do or a guarantee to our health care industry as to what they need to see in the way of the ability to continue to provide services and do business.

And, certainly, in rural America there are no guarantees. We lose hospitals almost on a monthly basis across this country in rural America. We have providers now that just simply do not take Medicare patients any more. Most of this is as a result of the Balanced Budget Act of 1997, which I proudly voted against; and it has put our health care system in great jeopardy.

Now we are talking about another Medicare reform bill that would reduce payments in some cases to all hospitals, and certainly it would make it more difficult for our rural hospitals and rural providers to stay in business, and it does not guarantee any kind of a prescription drug benefit to our rural seniors who would need it the most.

So I would encourage my colleagues to look carefully at this and not do something that will hurt rural America and our seniors. It is very disappointing to think that the possibility even exists that we would not have a fallback provision that would ensure that our seniors in rural communities would have access to a Medicare prescription drug benefit.

Over the last 25 years, over 470 rural hospitals have closed. Rural hospitals all over the country are in danger of being forced to shut their doors. Currently, hospitals receive full inflation market-basket payments for inpatient and outpatient services. H.R. 1 would reduce hospital payment updates for the next 3 years, costing hospitals an estimated $12 billion.

Our health care system in this country is on the verge of serious, serious problems. All we are asking for is a fair deal for rural America and a fair deal for the people that provide the services to our senior citizens through Medicare so they can stay in business.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume to respond to the gentleman, and I appreciate his comments because he is so very much concerned about health care for our seniors; but I mentioned the conference is taking place on a bipartisan basis, and the truth is it is. We have two United States Senators from the other party who are part of that conference, on an everyday basis, I might add.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Speaker, I thank the chairman for yielding me this time and for the opportunity to address this issue.

Mr. Speaker, as previously pointed out, this is the fourth time the minority has offered this motion to instruct Medicare conferees. I personally find it perplexing that they continue to offer this motion, since by definition it would reduce the amount of funding available for the new Medicare prescription drug benefit by tens of billions of dollars. The author of this motion would have the Medicare conferees accept every rural provider increase contained in both bills, both bills.

I would note for my colleagues that the House has already recognized the need to ensure that rural Medicare providers are paid fairly. In fact, the House-passed bill contains, as was previously pointed out by the chairman, almost $25 billion in increased payments to rural providers; and that will help rural hospitals and rural physicians continue to provide care to rural Americans.

Since the authors of this motion continue to emphasize that their motion would not cause us to exceed the $400 billion laid out in the budget resolution, they would have to radically reallocate funds laid out by the House bill in a manner that would disrupt the delicate balance laid out by the bill. The House bill strikes the right balance between providing a meaningful prescription drug benefit and helping provide incentives that providers, especially those in rural areas, continue to serve Medicare beneficiaries.

This motion would force the Department of Health and Human Services to offer a Medicare prescription drug plan. This is a Big Government fallback that is shortsighted and unneeded. The House-passed legislation guarantees that every Medicare beneficiary will have the choice of at least two Medicare prescription drug plans. In fact, the Congressional Budget Office tells us that under both acts estimates are that all Medicare beneficiaries would have access to prescription drug coverage.

We have found that in order to control costs it is important that Medicare prescription drug plan sponsors share some of the risk associated with providing this new benefit. The taxpayers should not be asked to completely shoulder the weight of this new entitlement, and that is why we do not think we need the government running prescription drug plans.

Finally, the motion instructs conferees to recede to the Senate and remove the hospital market-basket update adjustment contained in the House bill. I want to be very clear about how the House bill approaches the hospital issue. The House bill does not cut hospital reimbursement. According to the Medicare Payment Advisory Commission, hospitals make a 10 percent profit in Medicare inpatient services, and a 5 percent profit on average for services provided to Medicare patients. The Medicare Payment Advisory Commission unanimously advised Congress to increase payments by 3 percent, which is what the House bill does.

Mr. Speaker, I think I also need to add that the gentleman from Arkansas who just spoke said that rural providers need our help. And I would submit that if the other side of the aisle wants to be helpful to rural providers, they would instruct Members of their party in the other body to take up and pass meaningful medical liability reform. A fair justice system would do more to help rural hospitals and rural providers than any other action.

Finally, Mr. Speaker, given the progress the conferees have made toward reaching an agreement, I would hope that the conferees are given the opportunity to continue to work through the differences in both bills. I am confident that we will successfully address many of the competing issues in a satisfactory way. Most importantly, we will provide our seniors with the prescription drug benefit that they so desperately need.

□ 1315

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

I would simply note, with respect to my colleague's comments, the Department of Health and Human Services under the motion would be required to do certain things; that is correct. The Department would be required to provide the reimbursements that are necessary to preserve rural health care through the hospitals.

I would also note that sometimes the Department does need to be required to do things. One of the principal issues on the Medicare Reform Bill remains whether the Department of Health and Human Services should be required to enter into basic bulk purchasing arrangements to lower the cost of prescription drugs. The bill that came out of this House would have prohibited them from doing that; and clearly, in

this instance, the Department needs to be told to do what every American knows is the right thing to do.

Mr. Speaker, I yield 5 minutes to the gentleman from Alabama (Mr. DAVIS) who totally understands rural America.

Mr. DAVIS of Alabama. Mr. Speaker, let me thank my friend and colleague from Hawaii for his passion on this issue and for reminding us that in the United States the face of rural America is not simply Southern or Western, it can even be Pacific at times.

Let me begin, first of all, by saying or by reiterating something that my friend from Arkansas said, I do not think that any of us on this side of the aisle believe that any of our able colleagues on the other side want to do violence to the interests of rural America or do not care about what goes on in the heartland of America or in the rural parts of our country. We are not having a debate about intent today or a debate about goals today, but we are having a debate about making a system that will work.

It is a fact, and it is an eventuality under the bill that the Republican leadership so narrowly pushed through this body, that over a period of time, the prescription drug benefit, that all of us want and have endorsed in some sense, will be phased out and delivered through the private sector in significant parts of our country. Now, that sounds, from a technical standpoint, like a worthy enough aspiration. I have heard my colleagues on the other side defend that kind of a world in terms of the market choices it will open up. I have heard them defend that kind of a world in terms of the choices it will generate for the consumers, for senior consumers.

The reality, as so many of us on this side of the aisle know, is this: We can travel to those places in west Alabama, whole places in the rural parts of our country where you simply do not have a private provider network that is capable or available to carry this burden. So when we are talking about expanding market choices, what a wonderful thing it would be if those market choices would be available all around this country.

Our seniors are looking to us desperately for leadership on this issue. Our seniors are desperately looking to us to give them a benefit, but not just any benefit. They want one that is fair, and one that is workable, and one that is available all around America.

I am genuinely amazed that a lot of our colleagues on the other side of the aisle are willing to have us move into a system where, at best, we can trust the vagaries of the market to provide this benefit for our seniors. I talk as I move around my district to far too many seniors who are having to spend significant chunks of their limited, disposable income on prescription drugs. I run into too many seniors who are having to self-medicate, who are told that they have to take medicine for a certain number of days, and they chop the pills up to extend the timetable. All Members can cite those stories.

What a tragedy it would be if we had a huge ceremony and a huge fanfare, and the President stood up and said we had passed a prescription drug benefit bill, and then within 6 or 7 years from now, our seniors living in rural America saw what they expected to be a Cadillac turned out to be a much smaller, less efficient and less effective vehicle.

Mr. Speaker, I urge my colleagues to support this motion not because I think the folks on the other side of the aisle have a different set of values, but because I think they misunderstand the market that we have and the choices that will be left to our seniors.

I want to address one other point several of my colleagues make. There has been a lot of talk that we are fixing the rural problem because we are addressing the disparities in the reimbursement formulas; and I compliment the other side of the aisle for recognizing that the reimbursement formulas in Medicare have disadvantaged our rural areas, but I will make a very basic point here. If the Republican leadership of this body were serious about fixing the reimbursement formula, it could do it tomorrow. Just as we came to the floor in record time last week to speak to the court that ruled on the Do-Not-Call Registry, we could come to this floor in record time to pass a stand-alone bill that fixes the unfair reimbursement formulas.

Right now, the reimbursement formula fix is being held hostage to the completion of this bill. It is nothing more than a bargaining chip at this point to try to bring conservative Democrats and moderate Republicans to the table, and we ought to expose that for what it is. If the leadership were serious about fixing this problem, it should be done tomorrow as a stand-alone piece of legislation. Let us address the hard and serious problem of getting a prescription drug benefit, but let us address, in a separate context, the very real problem of disparities in this formula that burden so many of our areas.

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

Just to respond very briefly to the gentleman from Alabama (Mr. DAVIS), this is my 21st year in the House. Virtually all of that time, I have been a member of the Subcommittee on Health, and the question of reimbursements to rural providers has always been there. If it were simple to correct, it could have been corrected. It could have been corrected when the other party was in charge. It could have been corrected when this party has been in charge, which is a lot less years than when the other party was in charge. It is very difficult, but it is being addressed. The conferees are spending a lot of time on that particular issue, and, hopefully, they will reach agreement.

Again, I would say to my colleagues, I have talked to members of the AARP who have come into my office back home. Yes, we have all received a seven-page letter to the effect of what they want in that bill, but they say we want a bill which will help some people now, and, hopefully, provide a foundation we can improve upon as we go on.

If all of us are just going to stand fast and say this is not in the bill or that is not in the bill, or this is in the bill and I do not like it and we want perfection, we are not going to have a bill. As I said before, at least the rural providers are receiving some benefit, some help out of this bill. That $25 billion is certainly not chicken feed.

It is significant that we have a piece of legislation that is going to be of some help to the rural providers. It may not be enough, it may not be as much as the gentleman would like, and I do not blame him. This is a representative system of government, and they are representing their people, and they are doing a good job of it insofar as wanting to help their rural communities. But again, we have to have a bill, and it is critical that we all try to work together as much as we can.

All of the conferees are not always meeting together in every conference that we have. That is unfortunate, but there are some Members who have indicated that they are against anything at all involving this type of legislation; and, consequently, I suppose those are the reasons. I do not make those decisions, but it is unfortunate. But a lot of work is being done every day at 3 p.m., Monday through Friday, on a bipartisan basis.

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

Mr. CASE. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. BOYD).

Mr. BOYD. Mr. Speaker, I thank the gentleman for bringing this subject to the floor.

I think we all, as Americans, understand this prescription drug issue very well, and I think we understand the importance of Medicare to this Nation. I like to tell my constituents back home that since the advent of Medicare 40 years ago, there has been a significant decline in the level of folks below the level of poverty. Prior to the advent of Medicare, if you reached the age of 65 in this country, there was a greater than 50 percent chance that you would be below the poverty level. Today that figure is less than 10 percent. There is a dramatic drop in poverty in this country, and we think much of that can be credited to the successful Medicare and Social Security programs we have had in place.

I think everybody knows that we need a prescription drug component because of the changes in health care and technology in the last 30 to 40 years. We have to reform the Medicare program. We all understand that. It is absolutely going to break this country as we move into the retirement of the

baby boomers if we do not do something. This Congress, both sides of the aisle, have laid aside $400 billion to deal with this issue. I want to commend the leaders of this House, including the gentleman from Florida (Mr. BILIRAKIS) for his attempts to reform Medicare and bring those issues to the floor of the House and try to get a bill that we can get the President to sign.

The thing that I want to encourage, though, is that we have got to keep the provisions of the current Medicare system that work. One of the key components of the current Medicare system is that it is a defined benefit. When you reach eligibility age, everybody qualifies for it. I do not care what the situation is, if you live rural America, urban America, you qualify because it is a defined benefit, and everybody receives that. We have some Medicare+Choice-type programs within Medicare now that try to set up HMOs or insurance incentive programs to deliver prescription drugs to folks, and they do not work. They do not work in rural areas. My constituents do not get them because the insurance companies cannot make enough money on them, so they go to the larger communities, the urban communities, the big cities, where they can make money.

Mr. Speaker, I just would encourage us to keep those provisions that work, and one of them is the defined benefit, the fall-back provision which the gentleman from Hawaii (Mr. CASE) is stressing here.

The House bill fails to meet the needs of one-fourth of the Medicare beneficiaries of this country that live in rural areas. The Senate bill addresses this problem by establishing a guaranteed fall-back provision. Again, we need reform, but I would encourage the leadership and the conference committee to include the fall-back provision.

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

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

Mr. Speaker, in closing, this has been a good but all-too-short discussion which has highlighted some of the principal differences between the majority and the minority on the issue of Medicare.

I would like to respond to some of the points made by the gentleman from Florida (Mr. BILIRAKIS). I agree with my colleagues on the minority side that the gentleman from Florida (Mr. BILIRAKIS) does care about Medicare. In fact, he reminds me of a country doctor, nice, calm, reassuring presence. And if I was the majority party, I would want a nice, calm person to stand up and talk about Medicare, and I have no doubt about his sincerity.

But I will say that in terms of the positions which have been taken by his party, the positions that have been advocated by this administration and the positions that are now pending in Congress, actions speak louder than words. Perception is not reality. We would not be standing here bringing this fourth motion, and we bring this fourth motion because we care about rural America. We care about health care in rural America, and we believe that it is at risk, serious risk right now.

□ 1330

We want people to know that so that in the 16 days remaining before the largest health care reform initiative in decades, if you want to call it reform, comes up to us for a final yes or no vote, the people of this country can weigh in. That is why we keep on bringing this motion and we will keep on bringing this motion.

I want to highlight some of the things that were said here today. First of all, much has been said about affordability. Affordability is a matter of priorities. Affordability is a matter of where you put your money. You ask any rural hospital, rural clinic, any senior living in rural America where they think that the resources of this country should be devoted and they will tell you health care, and they will be right.

So this is a box that the majority has put itself in. It has decided that there are these limits and that is all that we are going to give to this problem and then we are going to live within these limits.

When we on this side say, those limits are not accurate, those limits are not good, they say, well, you are trying to get out of the box. You bet we are trying to get out of that box. That box does not work for America.

Reforming Medicare is one thing. We all agree that Medicare needs reforming. We all agree that Medicare needs fixing, but reforming it should not be destroying it, and that is what is at risk here.

There are good ingredients in both the House and the Senate versions. All we are asking in this motion is to take the best of both the House and the Senate provisions, homogenize them, do not duplicate them. We are not asking for things to be duplicated and run up; we are saying take the best. Guarantee a prescription drug coverage where the private sector is not going to provide it if, in fact, the effort to privatize Medicare is successful. Make sure that our rural areas have basic hospitals.

We do not want a country where everybody has to take a train, plane, boat or other means of transportation to get to some big city that has some big hospital. That is not the answer to health care in this country. That is what we care about.

I would close by saying again that this motion, this issue, is not just about Medicare. It is not just about health care. It is not just about seniors. It is about rural America. And when it is about rural America, it is about the America that we live in and that we want to preserve.

I urge my colleagues to support this motion. It is a simple motion. Just take the best. Do what is necessary for rural America. Put rural America first.

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

The SPEAKER pro tempore (Mr. BASS). All time has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Hawaii (Mr. CASE).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CASE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

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

Mr. DAVIS of Alabama. Mr. Speaker, I offer a motion to instruct.

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

The Clerk read as follows:

Mr. DAVIS of Alabama, moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

Mr. DAVIS of Alabama (during the reading). Mr. Speaker, I ask unanimous

consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Alabama (Mr. DAVIS) and the gentleman from Minnesota (Mr. RAMSTAD) each will control 30 minutes.

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

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

Mr. Speaker, periodically when I go back to my district, one of the questions I get most frequently asked is, why do we keep turning on our C–SPAN television in the afternoon and hearing this debate on the child tax credit? Why do we keep seeing these motions brought to the floor?

I suppose the best answer that I can give, Mr. Speaker, the best answer I can give my colleagues is a very simple one. The reason that this side of the aisle continues to press this issue, the reason that this side of the aisle continues to implore our colleagues to act is because more than any other issue, any other debate we have encountered this year, this question speaks to the fundamental difference between our parties.

We continue to make these points because it speaks for, frankly, why we stand on the Democratic side as opposed to the Republican side. And while we may do this every few days, it is always helpful to look at the history of how we got here.

Late in the evening of the night that the Republican-inspired tax cut passed this body, there was a relentless effort to get inside the $350 billion number, and for all of the efforts of all of the geniuses that we have on the other side and all of the efforts that were expended on getting inside this limit, there were $3.5 billion outside of $350 billion.

One would wonder, if you had to save $3.5 billion at the last minute of a long debate, where would you turn? You might turn to the various corporations who are using offshore accounts in the Bahamas. You might turn to people who are earning over a million dollars a year and getting a tax cut. You might turn to some of the obvious examples of waste and fraud that could have been found. But rather than turn to any of those places, the Republican leadership decided to literally reach into the pockets of families earning between $10,000 and $26,000 a year, the very weakest people in our society.

We have learned just in the last few weeks that the number of children living in poverty has grown by 1 million in the last year. We have learned in just the last few weeks that after a decade of people moving from poverty to the middle class, that the trend is now in the other direction. Every single month, different numbers of families fall below the statistical line that separates deprivation in this country from some measure of success.

For all of the differences and all of the debates that we have on this floor, I can confidently say that my party would never reach into the pockets of the most vulnerable families in this country to satisfy a $350 billion tax cut number. We need to, and frankly it is nothing less than shameful, Mr. Speaker, that in the last months we have not managed to, find a way to make this simple, corrective step.

We have heard some on the other side of the aisle say, well, why give a tax credit to families earning between $10- and $26,000 a year or why expand the tax credit for them? A lot of them do not pay taxes, we have heard. Or a lot of them do not pay a lot of taxes. The reality is, of course, these individuals do pay State income taxes and in many of our States in this time of tough budget woes, those individual State tax burdens are rising.

We also know, frankly, that there has never been any controversy around the child tax credit applying to low-wage-earning families. There has never been any controversy over whether the original $600 credit applied. The controversy over this credit arose only when the majority needed to save $3.5 billion.

It is interesting that the President wants to fix this. It is striking that the U.S. Senate has voted almost unanimously to fix it, but for some reason, the Republican leadership in the House continues to be unmoved on this question. To put the cynicism in some context, H.R. 1308, the bill that was brought to this floor that purports to fix the gap in the child tax credit does not even allow the tax credit to kick in for these families until sometime next year.

There is another basic point, Mr. Speaker. We are experiencing a stagnant, slow, jobless recovery. We are experiencing a recovery where companies are saving costs by cutting back on health insurance and laying off workers. It is a very stale recovery for a lot of our people.

So the President talks about stimulus. The President talks about providing a jolt to this economy. What better way to put some life in this economy, what better way to put some energy and some spending power into this economy than by giving this credit to families who are struggling by the margins every single day to survive, the families earning between $10- and $26,000? If stimulus is the rationale for this tax cut, there is no reason that this credit should not be extended to these families.

Mr. Speaker, I certainly look forward to this debate today. I certainly invite my colleagues to finally do the right and simple thing, to spend $3.5 billion to fix a problem of fundamental fairness.

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

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

Mr. Speaker, I believe the Members of the body are very familiar with the issues at stake in this motion to instruct conferees, for I believe this is the 13th time now that this body has debated the motion.

Let me say at the outset, Members on both sides of the aisle want to provide for immediate increased refundability of the child credit. That is exactly what the bill that passed the House would provide to many low-income families. But let me remind my colleagues of the families who would be disadvantaged by this motion to instruct conferees and this goes really to the heart of this debate, Mr. Speaker.

Under the motion brought by my friend from Alabama, the same low-income families who would benefit from the increased refundability of the child credit would see their credit actually drop in the year 2005, after the elections. By contrast, the House-passed bill would ensure that the child credit remains at $1,000 per child through the year 2010. Will low-income families need this crucial tax relief any less in the year 2005? Of course not.

Under the motion brought by my friend from Alabama, the marriage penalty in the child credit would be eliminated only in the year 2010. By contrast, the House-passed bill immediately eliminates the marriage penalty, which is unfair and unconscionable and discriminates against people who are married, taxpayers who are married, and denies millions of children the full benefit of the child credit simply because their parents are married. Why should a married couple anywhere, let us say a teacher and a firefighter, be denied this crucial tax relief for their children?

Under the motion also brought by my friend from Alabama, families would actually receive less tax relief, those families in the military. Let me repeat that. Military families would actually receive less tax relief under the motion brought by my friend from Alabama.

Under the House-passed bill, the child credit is not denied to military families. Military families, including those serving so bravely abroad, are already receiving a refundable child credit and will continue to receive this credit under the House-passed bill. This motion to instruct would only increase the refundable child credit for some military families by allowing them to take into account tax-free income when they compute their refundable credit. At the same time, the motion to instruct would deny over $800 million in tax relief to military families. That is a lot of money and that is real money to those troops serving us so bravely and so well.

The House bill contains the military tax relief that has passed this body a number of times. By contrast, the bill passed by the other body, which this motion to instruct would have us adopt, does not contain this essential

tax relief for the brave men and women defending our country.

Mr. Speaker, let me remind my colleagues of the military tax relief that is missing, that is absent from the other body's bill. Our House-passed tax relief bill ensures that members of the Armed Forces and Foreign Service are not denied the very important capital gains exclusion on home sales if they cannot meet the 5-year residency test because they are transferred away from home on official extended duty, which happens obviously frequently to members of both the Armed Forces and the Foreign Service.

Our bill ensures that the full $6,000 death gratuity payment received by survivors of military personnel is tax-free. Only half of the payment is tax-free under current law.

Our bill furthermore ensures that payments received by members of the Armed Forces under the home owners assistance program are tax-free. These payments compensate our men and women of the military for a drop in home values resulting from military base closures or realignments.

Moreover, our bill extends the combat zone filing rules to individuals serving in contingency operations so they are given more time to file tax returns and meet other deadlines. As I have heard from many military families who have loved ones in combat zones currently, this provision is also very important.

Further, Mr. Speaker, our bill modifies the definition of a qualified veterans organization to make it easier for veterans organizations to retain their tax-exempt status. This is very important, as members of the American Legion and VFW and the other veterans organizations have told me repeatedly.

Also, Mr. Speaker, our bill clarifies that dependent care assistance provided under a military dependent care assistance program is tax-free.

□ 1345

Further, the House-passed bill ensures that families are not hit with that dreaded 10 percent penalty for withdrawals from their Qualified Tuition Plans from Section 529 Plans or the Coverdell Education Savings Account if their children are appointed to military academies. This practice is simply wrong, and we correct that. This is the same treatment given to families whose children receive scholarships.

Finally, Mr. Speaker, our House-passed bill provides an above-the-line deduction for up to $1,500, $1,500 of training expenses incurred by members of the National Guard and Reserve who serve more than 100 miles away. I am proud to say, Mr. Speaker, that this provision is based on legislation I sponsored with the help of many others on both sides of the aisle.

So let me conclude, Mr. Speaker, by saying this, and this really is the bottom line: The House-passed bill provides more tax relief to more families. The House-passed bill provides more tax relief to more members of our military. I urge my colleagues to defeat this motion.

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

Mr. DAVIS of Alabama. I yield myself such time as I may consume.

I certainly agree with my friend from Minnesota that we need to correct the disparity of military families being left out of this relief. We need to correct all the omissions regarding military families, and for that reason this motion to instruct would provide coverage for families of military personnel serving in Iraq, Afghanistan, and other combat zones as an essential and critical of part this conference report.

Mr. Speaker, I yield 2 minutes to the gentleman from the great State of Texas (Mr. HINOJOSA) whose district includes so many families who would be deeply affected by this motion to instruct and who has been such a consistent advocate for children living in poverty in this country.

Mr. HINOJOSA. Mr. Speaker, I thank the gentleman from Alabama (Mr. DAVIS) for yielding me this time.

Mr. Speaker, for 109 days now, we have demanded fairness for the 6.5 million families that were denied their equitable share of the child tax credit provisions in the Jobs and Growth Tax Relief Reconciliation Act. These families, headed by workers who pay taxes from their paychecks and on their purchases as well as paying property taxes and excise taxes, represent 12 million children. Those families include rural families. The 12 million children are more than half of the sons and daughters of rural farmers and farm workers. They are one out of every four children of nurses and nurses' aids. They are more than half of the children of janitors, maids, and cooks. The children left out are one in ten children of teachers and teachers' aids. More than 120,000 of these children are the dependents of active military personnel.

Just as we must not leave children behind in the classroom, we cannot ignore working families and their children when the Treasury Department mails out checks. We have said it again and again and again: Tax relief for families should be fair and equitable. We must come together and provide a refundable credit to demonstrate our commitments to all working families.

Mr. Speaker, I support the Davis motion to instruct, and I urge everyone else to vote in favor of this motion.

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

Mr. DAVIS of Alabama. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. BISHOP). The gentleman from Georgia has distinguished himself in this institution not just as a voice for fiscal prudence and fiscal sanity as a conservative Democrat, but he has also distinguished himself as a distinguished advocate for the families who are left behind in this country. His district, like mine, includes large numbers of rural families and large pockets of children living in poverty.

Mr. BISHOP of Georgia. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker I rise today in support of the gentleman from Alabama's (Mr. DAVIS) motion to instruct conferees on H.R. 1308, the child tax credit, and I thank the gentleman for this very important motion because tax relief and tax fairness are the very core of what we in Congress should be doing to improve the lives of Americans in each and every community across this Nation.

Mr. Speaker, let me take a moment to recognize the bipartisan work of the United States Senate which has already voted 94 to two to provide Americans with real and meaningful tax relief in the form of a child tax credit. The Senate knew that this was the right thing to do, and they made no bones about coming together for hard-working American families. In fact, the President of the United States, through his press secretary, said that we ought to pass this legislation, legislation that has been held hostage in this House by the Republican leadership for 111 days. This is wrong, Mr. Speaker, and it ought not to happen in America because tax relief for American families, a real child tax credit, is not a Democrat issue, not a Republican issue. It is a children issue.

The relief it provides is targeted to parents who need it the most, those earning between 10,000 and $26,000 a year, about 6.5 million families and 12 million children. They await relief while the Republican leadership in the House stalls on this bill.

The House version of the child tax credit also shortchanges our servicemen and women and particularly those who are putting their lives on the line in Iraq. The House Republican leadership insisted that the calculation of the allowable child tax credit be based on taxable income, that is, wages in excess of personal exemptions and deduction, rather than on total earned income. This accounting gimmick adversely affects our military personnel who are in combat because, while in combat, their pay is not treated as taxable income. For example, a stateside grade E–6 serviceman or woman earning $29,000 a year, supporting a spouse and two children, would enjoy the full $1,000 child tax credit for each of their two children. But if that servicemember is deployed in Iraq for as much as 8 months, he or she could lose the entire child tax credit. That is because two-thirds of his or her income would not be taxable and the remaining one-third would fall below the $10,500 threshold at which the refundable portion of the child tax credit begins to be calculated. In fact, some 260,000 children, one in five children of the military, in 200,000 active duty military families would be left out of this unfair House version while the

Senate version avoids this problem entirely.

Last month the census released new figures showing that the number of families and children living between below the poverty line rose by 1.3 million last year, 1.3 million more families than there were last year. Times are really tough. They need help, Mr. Speaker, and they need it now. I would like to say that help is on the way, but the truth be told, Mr. Speaker, help is going away. Our fiscal priorities are not in touch with real needs.

A recent House Committee on the Budget staff analysis reveals that the true cost of the war in Iraq and the postwar reconstruction effort will be more than $178 billion and could exceed $400 billion during the period 2003 to 2013. That is pretty big money. Who pays that bill? Hard-working Americans and their families, including the servicemen and women who have been disproportionately disadvantaged by the unfair tax policy in America today.

In May of this year, this House passed a tax cut, despite the mounting deficit and the cost of the war in Afghanistan and Iraq. I am a big supporter of tax relief, but the last round of tax cuts excluded the full benefit for most working Americans and was fiscally irresponsible.

We have before us today an opportunity to level that playing field for most American families. I hope that we will. I urge my colleagues to stand with us for tax fairness and to vote for the gentleman from Alabama's (Mr. DAVIS) motion to instruct conferees on this very important bill.

Mr. RAMSTAD. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would just remind the body that the motion to instruct brought by my friend from Alabama would deny over $800 million in tax relief to members of the military and their families.

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

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

I think we may just simply have a factual disagreement between my friend from Minnesota and myself. The motion to instruct would include those families.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE) who has so often come to the well of this House to speak on behalf of our party and to speak on behalf of families in need in this country.

Mr. PALLONE. Mr. Speaker, I thank my colleague from Alabama for yielding me this time.

I want to point out I have been on this floor so many times making the same point which is that my Republican colleagues, including the gentleman from Minnesota, keep talking about the House bill, the House-passed Republican bill, and how that is so much more generous and is going to provide much more tax relief than the bill that passed the other body. But the bottom line is we know that this House bill will never become law. And the whole purpose of this exercise was to make sure that these kids and their families making between the 10- and 20-something thousand dollars a year annual income would be able to get the same kind of child tax credit or relief as the other families of higher incomes. And so the other body passed a bill that would simply do that and nothing more. It cost, I think, about $3.5 billion, and it was paid for by some kind of increased customs duty, fully paid for. It does not increase the debt.

What the Republicans in the House do, they come in and say that is not good enough. We have got to pass a much larger bill. I think it is $80 billion, but there is no money to pay for that. So when our Republican colleagues in this House keep saying they want this larger bill that is going to do all these wonderful things and provide all this additional tax relief, that is just another way of saying we do not want anything because they have not had the conference even meet. The two bodies have not gotten together. The chairman of the House Committee on Ways and Means has made it quite clear that he is really not interested in having any kind of compromise or effort to reach out to the other body on this issue.

So we have a stalemate because the House Republicans refuse to have a conference, refuse to meet, and refuse to simply go along with the bill passed by the other body. So I mean this is becoming increasingly a joke.

The bottom line is the House Republicans have no intention of ever passing anything that is going to pass both houses and go to the President's desk. And unless that happens, it is just a cruel hoax on these families that they are ever going to get any kind of relief. I am not interested in hearing what is going to happen in 2 years or what is going to happen with the people that are not directly impacted by this. We have already had several tax cut bills that have provided money back to taxpayers, mostly at the high end. We just simply want to address this problem for these people in this income bracket who are working, who are paying taxes, and who need some relief. And it is a question of fairness; they should get the same $400 that everybody else gets.

I have mentioned many times, July came around, I got a $1,200 check. A Member of Congress, I guess we make about $150,000 a year. I have three children, so I got $1,200. But the other person on my block who is at the lower-income scale, still working as hard I am, they did not get the money, and it is not fair. As far as the military is concerned, they can just take up the bill that is at the desk here and provide the relief to the military families. But do not talk to us about this House bill that is more generous, is going to provide more money, provide more tax relief. That is ''pie in the sky.'' We have a $500 billion deficit. That is never going to happen.

Mr. RAMSTAD. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would just remind my friend from New Jersey that this is not a joke to many low-income families. Under the motion brought here today, the same low-income families who would benefit from the increased refundability of the child credit would see their credit actually drop in 2005, coincidentally, right after the elections. By contrast the House-passed bill would ensure that the child credit stays at $1,000 per child through the year 2010. I challenge anyone to say that low-income families would need this crucial tax relief any less after 2005. This is not a joke. This is serious business.

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

□ 1400

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

Mr. Speaker, we do have these debates every few days; and nothing new, frankly, has been said over the course of the last 4 months. That is depressing, in some sense; but I think, again, it speaks to the very fundamental difference between our parties.

No one has yet to come to the well of this House, and today only one speaker even bothered to come down to debate this issue from the other side; no one has yet to come to the well of this House from the Republican side of the aisle to explain why we leave behind families earning between $10,000 and $26,000 when it would not cost us more than $3.5 billion. No one has explained why we leave out of a stimulus package the families who are most in need of having their economic fortune stimulated.

The gentleman from New Jersey (Mr. PALLONE) is exactly right. The very leadership that brought this bill to the floor, and actually, to be perfectly correct about it, it is not a bill. The Republican leadership, rather than actually bringing a bill to the floor, brought a rule to the floor and invoked a rare procedural maneuver to take this measure directly to conference, rather than to bring it forward as a bill. Putting that aside, the very leadership that brought this rule to the floor announced a day beforehand that the child tax credit was dead. That had no intent, they have no intent, and they will have no intent to ever create this expanded relief for the families in our country who are working so hard.

I close on this note, Mr. Speaker. We wonder sometimes why so few low-income people participate in the voting process in this country. We wonder sometimes why so many low-income families feel left out and feel locked out. We wonder why they feel disengaged. When we have our town hall meetings, they do not even bother to come. We have an answer to that question with the way this issue has been

handled: because these individuals who are locked out of so many things in life turn on their television and they hear that tax relief is being passed for millionaires, they hear that tax relief is being passed for the owners of large corporations, and they hear that wider and broader and additional tax relief is contemplated. Yet they hear that they are not worthy of additional relief at all. They are told, as some of my colleagues on the other side have said, that they are welfare cases who really do not contribute to the system and really do not pay taxes anyway, so why get any kind of benefit.

We ought to recognize as elected officials, Mr. Speaker, that we cannot leave people out of the system and expect them to continue to have faith in the system. That may be a small cost to my colleagues on the other side of the aisle, because a lot of these folks are not a big part of their voter base, but they are part of the America that we have. This party that I speak for today will always be proud to speak for these families, because the kids in this country who live in families earning at the edge of the poverty line and slightly above it, they cannot come to this city and have fly-in week. They cannot hold $50,000 fund-raisers. They cannot hold thousand-dollar-a-head events. Somebody has to speak for them. Somebody has to take the time to come to this floor to speak for their needs and advocate for their cause. The ones of us who do that represent the Democratic Party in America, and those of us on this side of the aisle will always be proud to be part of the party that speaks for those who have been left behind, who lack any other voice.

So with that said, I urge my colleagues to vote for this motion to instruct and to finally fix this fundamental unfairness in what was purported to be a tax fairness bill earlier this year.

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

The SPEAKER pro tempore (Mr. BASS). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Alabama (Mr. DAVIS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DAVIS of Alabama. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

RECESS

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

Accordingly (at 2 o'clock and 4 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1535

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TERRY) at 3 o'clock and 35 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

Motion to instruct on H.R. 2691, de novo;

Motion to instruct on H.R. 1, by the yeas and nays;

and motion to instruct on H.R. 1308, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic votes will be conducted as 5-minute votes.

MOTION TO INSTRUCT CONFEREES ON H.R. 2691, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. The pending business is the de novo vote on the motion to instruct conferees on H.R. 2691.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Washington (Mr. DICKS).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DICKS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 259, nays 165, answered ''present'' 1, not voting 9, as follows:

[Roll No. 527]

YEAS—259

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Bass
Beauprez
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Burr
Burton (IN)
Buyer
Cannon
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Dunn
Edwards
Emanuel
Emerson
Engel
Etheridge
Farr
Fattah
Ferguson
Filner
Fletcher
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gibbons
Gonzalez
Goodlatte
Gordon
Green (TX)
Green (WI)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Janklow
Jefferson
Jenkins
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pombo
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Rangel
Rehberg
Renzi
Reyes
Rodriguez
Rogers (KY)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Simpson
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Walden (OR)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—165

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bereuter
Biggert
Bilirakis
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Duncan
Ehlers
English
Everett
Feeney
Flake
Foley
Fossella
Franks (AZ)
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goss
Granger
Graves
Greenwood
Gutknecht
Harris
Hart
Hayes
Hensarling
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Isakson
Istook
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)

King (NY)
Kingston
Kirk
Kline
Knollenberg
Latham
LaTourette
Lewis (CA)
Linder
Lucas (OK)
McCrery
McHugh
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Oxley
Paul
Pence
Petri
Pickering
Pitts
Platts
Portman
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Smith (MI)
Smith (TX)
Souder
Stearns
Sullivan
Tauzin
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walsh
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Taylor (NC)

NOT VOTING—9

Brady (TX)
Dreier
Eshoo
Evans
Gephardt
Hyde
Issa
Slaughter
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1601

Messrs. BOOZMAN, PORTMAN, TAUZIN, and PETRI changed their vote from ''yea'' to ''nay.''

Messrs. REHBERG, OSE, HERGER, HEFLEY, FLETCHER, GALLEGLY, LEWIS of Kentucky, NEY, BASS, FRELINGHUYSEN, FERGUSON, LoBIONDO, MANZULLO, LaHOOD, BOEHLERT, McKEON, FORBES, QUINN, SAXTON, and SWEENEY, and Mrs. EMERSON and Mrs. JO ANN DAVIS of Virginia changed their vote from ''nay'' to ''yea.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1602

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY). Pursuant to clause 8 of rule XX, the remainder of the series of votes will be conducted as 5-minute votes.

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

The SPEAKER pro tempore. The pending business is the question on the motion to instruct conferees on H.R. 1.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Hawaii (Mr. CASE) on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 208, nays 215, not voting 11, as follows:

[Roll No. 528]

YEAS—208

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Emanuel
Engel
Etheridge
Farr
Fattah
Filner
Fletcher
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—215

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brown (SC)
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole
Collins
Cox
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
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Isakson
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
LaHood
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Brady (TX)
Dreier
Eshoo
Evans
Gephardt
Hensarling
Hunter
Hyde
Issa
Kirk
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1610

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

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

The SPEAKER pro tempore. The pending business is the vote on the motion to instruct on H.R. 1308 offered by the gentleman from Alabama (Mr. DAVIS) on which the yeas and nays were ordered.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Alabama (Mr. DAVIS).

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 207, nays 219, not voting 8, as follows:

[Roll No. 529]

YEAS—207

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
Emanuel
Engel
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Green (TX)
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hill
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lynch
Majette
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—219

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Emerson
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Isakson
Istook
Janklow
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCotter
McCrery
McHugh
McInnis
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Brady (TX)
Dreier
Eshoo
Evans
Gephardt
Hyde
Issa
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1617

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 2691, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. TAYLOR of North Carolina, REGULA, KOLBE, NETHERCUTT, WAMP, PETERSON of Pennsylvania, SHERWOOD, CRENSHAW, YOUNG of Florida, DICKS, MURTHA, MORAN of Virginia, HINCHEY, OLVER and OBEY.

There was no objection.

PRIVILEGED REPORT REQUESTING PRESIDENT TO TRANSMIT REPORT ENTITLED ''OPERATION IRAQI FREEDOM STRATEGIC LESSONS LEARNED'' AND DOCUMENTS IN HIS POSSESSION ON THE RECONSTRUCTION AND SECURITY OF POSTWAR IRAQ

Mr. BEREUTER, from the Committee on International Relations, submitted a privileged report (Rept. No. 107–289, Part 1) on the resolution (H. Res. 364) requesting the President to transmit to the House of Representatives not later than 14 days after the date of adoption of this resolution the report prepared for the Joint Chiefs of Staff entitled ''Operation Iraqi Freedom Strategic Lessons Learned'' and documents in his possession on the reconstruction and security of postwar Iraq, which was ordered to be printed.

The SPEAKER pro tempore. The report will be received as Part 1.

PERSONAL EXPLANATION

Mr. PASTOR. Mr. Speaker, during the week of September 22, I missed several votes due to the passing of my father.

Had I been present, I would have voted in the following manner: On votes number 509, 510, 511, 513, 514, 515, 516, 517, 519, 520, 521, 522 and 523, I would have voted aye. On vote number 518 I would have voted no.

Mr. Speaker, I appreciate the understanding of the House and thank each Member and each of my colleagues for their kind words.

The SPEAKER pro tempore. The gentleman has our condolences.

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

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

The form of the motion is as follows:

Mr. FLAKE of Arizona moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed within the scope of conference to include income thresholds on coverage.

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

Mr. INSLEE. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 6, the energy bill.

The form of the motion is as follows:

Mr. INSLEE moves that the managers on the part of the House at the conference on the disagreeing votes of two Houses on the

Senate amendment to the bill H.R. 6 be instructed to confine themselves to the matters committed to conference in accordance with clause 9 of rule XXII of the Rules of the House of Representatives with regard to ''high-level radioactive waste'' as defined in the Nuclear Waste Policy Act of 1982 and other provisions of Federal law.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1078

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1078.

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

There was no objection.

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

Mr. BISHOP of New York. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1, the prescription drug bill.

The form of the motion is as follows:

Mr. BISHOP of New York moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed to reject division B of the House bill.

SUPPORT THE SUPPLEMENTAL

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

Mr. STEARNS. Mr. Speaker, the President has issued a supplemental appropriation request for $87 billion to go towards our continuing efforts in Iraq and Afghanistan. The Wall Street Journal recently tallied the cost to our country and the economy from the 9–11 attacks. Another similar attack will surely happen if terrorists are left to their own devices.

The terrorist attacks 2 years ago cost this country a lot of money. Here is just a sample: $78 billion lost in income for families of the victims, $21 billion to New York City for direct damage costs, $4 billion for the Victims Fund, $18 billion to clean up Ground Zero, $6.4 billion in reduced or lost wages for workers in New York City industries, $11 billion in lost business to the airline industry, and $15 billion Federal bailout of the airline industry.

Mr. Speaker, these are just a sample. The total cost, if we add all the ones that were included in the article, is $355 billion to the American people. Now we are debating this question. This would cost Americans a lot more money if we do not pass this supplemental.

Mr. Speaker, the President has issued a supplemental appropriations request for $87 billion to go towards our continuing efforts in Iraq and Afghanistan.

The Wall Street Journal recently tallied the costs to our country and economy from the 9/11 attacks. Another similar attack will surely happen if terrorists are left to their own devices. The terrorist attacks 2 years ago cost much. Here is just a sample: $78 billion in lost income for families of the victims; $21 billion to New York City for direct damage costs; $4 billion for the Victims' Fund; $18 billion to clean up Ground Zero; $700 million to repair the Pentagon; $6.4 billion in reduced or lost wages for workers in NYC industries; $150 billion in reduced GDP; $50 billion in costs to the insurance industry; $11 billion in lost business to the airline industry; $15 billion Federal bailout of the airline industry; $38 billion in costs for new border security, protection against biological threats, and emergency preparedness; $1.3 billion in costs to State governments for homeland security; and $33 billion in spending by the private sector for new protective services.

Total cost of these and others is over $355 billion to the American people. Now we are debating spending $87 billion to prevent terrorists from taking over a weak nation? If we left Iraq in the condition as it was before, or is now after, the end of the Saddam regime, we would be guilty of allowing terrorists and their power and pocketbooks to fester. This would cost Americans a lot more money, not to mention lives.

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. MILLER of Michigan). 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.

EXCHANGE OF SPECIAL ORDER TIME

Mr. DEFAZIO. Madam Speaker, I ask unanimous consent to replace the gentleman from New York (Mr. HINCHEY) and proceed at this time.

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

There was no objection.

GOLD-PLATING AND WAR PROFITEERING

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

Mr. DEFAZIO. Madam Speaker, the President has asked the United States Congress to borrow another $87 billion to finance ongoing action in Iraq, and of that, the President is asking the United States Congress to borrow on behalf of the American people $20.3 billion to engage in an extensive reconstruction of Iraq. There has already been discussion on the floor of the no-bid contracts and the favoritism and extortion prices to Halliburton and other companies, war profiteering, but now there is also, now that we have seen the list, questions about the priorities in a couple of ways.

There are questions about what they are going to spend the money on. On the list is Wifi. A lot of people do not even know what Wifi is. Iraq is a country where I do not think the average Iraqi or even the elite Iraqis own laptop computers. We are going to give emergency spending money, which the American people are going to borrow, to give them Wifi capability in Iraq, when the people in the rural parts of my district do not even have broadband. They have hardly decent telephone service, but we are going to do Wifi in Iraq.

We are going to give them Zip codes in Iraq, an American invention. We are going to give them a national 911. Is that not nice? The American people are going to borrow money to install 911 in Iraq. Why would we do that? Why is that necessary? They did not have 911 before the war. We did not destroy it with bombing. Why they are going to have it now?

Then there is the executive training. We are going to provide $10,000 for a 4-week course for Iraqi executives that exceeds the cost of sending them to Harvard University for the same period of time, let alone a community college in my district that could do a fine job for a quarter the price, but no, it is not just that. It is the fact that this is gold-plated and out of control.

Here are a couple of examples. Major General David Petraeus, in charge of North Iraq, told a congressional delegation, his engineers said and we priced rebuilding a cement plant for $15 million. Well, the Iraqis were in kind of a hurry. So they decided to do it on their own and not wait for the $15 million and the U.S. contract. They did it for $80,000, a tiny fraction of the price. So at least the American taxpayers did not get gouged for that and did not have to borrow $15 million to do an $80,000 job on a cement plant. Maybe that was isolated. Well, unfortunately, no.

We also have another instance, $25 million to refurbish 20 police stations in Basra and a member of Iraq's governing council kind of laughed at that and said, we could do it for five and still make a bunch of money.

So the American people are going to be asked to borrow $25 million for a gold-plated contract to do something that would cost something less than five. The American people are being asked to borrow money to build houses in Iraq at a price that is 10 times the value of the average Iraqi house. Maybe it would be better if we give them a little of the wherewithal, some materials and nails and cement, and let them go at it themselves. They have 60 percent unemployment. I think they would be happy to build their own houses.

But that is not the way the Bush administration wants to do this. They want to gold-plate it. They want to make the American people borrow $20 billion and pay for it the next 30 years, the gold-plate and war profiteer, for the reconstruction of Iraq.

Then, finally, there is Ahmed al-Barak, a member of the Ruling Council, very prominent, who became unpopular with this administration, although previously had been very favored by them, when he said the savings could be a factor of 10 if the Iraqis did their own work. Basically, where they spend $1 billion, we would spend a hundred million.

So I offer the 10 percent solution to this administration. Two point three billion dollars is still a lot of money where I come from, but it is a lot better than $20.3 billion, and the Iraqis could do it for that price. We could do the reconstruction, whatever we are really obligated to because of the destruction of the war, but we do not need to give them exotic things they never had before.

I have heard we have to rebuild the electrical infrastructure. We have kind of got a failing one here, and the reason was they have got boilers from the 1950s and 1960s. Guess what? Our war did not install boilers from the 1950s and 1960s, so why is it the American people have to borrow the money to give them brand new boilers or new high-efficiency turbines to generate electricity when we could use that money here at home to put Americans to work? If we spent $20.3 billion on real infrastructure projects that are underfunded by this administration in the United States of America, we could put one million Americans to work.

So, no, to the gold-plating, maybe a 10 percent solution if that is justified, but we should not be borrowing in the name of the American people $20.3 billion and indebting generations of Americans to pay for the gold-plated war profiteering in Iraq.

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

(Mr. SMITH of Michigan addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Mr. OSBORNE. Madam Speaker, I ask unanimous consent to take the gentleman from Michigan's (Mr. SMITH) time.

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

There was no objection.

□ 1630

PARTISAN STRIFE WEAKENS NATIONAL RESOLVE

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Madam Speaker, I am relatively new to Congress. When I first came here 2½ years ago, I was surprised and somewhat disappointed by the partisanship that I encountered. I was from a competitive arena, and yet I had really never encountered anything like it. And then 9–11 came, and for 2 or 3 months I saw Congress function as it could. What we saw was unity of purpose. Welfare of the country was the primary priority. Partisanship, personal ambition was set aside.

Now here we are 2 years later and it seems as though we are drifting toward and have drifted toward business as usual. We are told that this is an election year that is coming up. Partisanship is escalating and some people say, well, we really cannot get much done next year because this is going to be an election year. Yet I would submit that the threat to our Nation is just as great as before 9–11 at this time. The battle lines are more clearly drawn. The stakes are higher. And still the internal dissension intensifies.

To me, this is a little bit mystifying. The great majority of people I have gotten to know, both sides of the aisle here in Congress, are genuinely good people. Yet that is really not the image that we project. Most people in my district are totally turned off by the discord they see. They do not seem to understand it; and they dismiss it as, well, that is just politics.

Certainly not all Democrats are tax-and-spend liberals with no moral compass. Certainly all Republicans are not heartless pawns of big business. And yet many times that is the way we portray each other. Certainly the President of the United States has not started a war to boost his approval ratings. Those types of comments are alarming, and they are very disturbing.

Unfounded congressional comments impugning motives and denigrating character only give substance to the belief we have no national resolve or unity. Where there is unity of purpose, the whole exceeds the sum of its parts. And I saw that consistently in athletics. If people were committed to a common goal, they pulled together and the dissenting factors tended to fall away. But where there is a lack of unity, the whole is less than the sum of its parts. Sometimes I feel that that is what characterizes this body as we get fragmented, as we throw rocks at each other.

It is critical at this time in our Nation's history that both parties pull together, that civility is exercised. As far as I am concerned, we are at war. It is a different type of war. At a time of war we cannot afford partisan strife that weakens national resolve.

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

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THIMEROSAL

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. Madam Speaker, as we approach the flu season, many of my colleagues will visit the doctor's office here on Capital Hill and receive a flu shot. And before they go, I think all my colleagues ought to know that that flu shot contains mercury, which is a substance that is toxic to the human brain. That is not to say you should not get your flu shot if you want to, but there is a lot of neurological disorders that have been caused by mercury, and I think everyone should know there is mercury in that vaccine.

That is not the only vaccine that contains thimerosal. From anthrax to hepatitis, from lyme disease to DTaP, which is given to infants to protect against diptheria, tetanus and whooping cough, numerous vaccines exist that contain mercury, a harmful preservative. And parents around this country, I am sure, would be very upset if they knew that.

Scientific evidence continues to accumulate regarding the biologically-plausible connection between mercury and thimerosal, autism, and other neurological developmental disorders. Yet several well-known and firmly established pharmaceutical companies continue to put mercury into vaccines as a preservative, and it has never been tested. That is very interesting. Although the U.S. Food and Drug Administration asked vaccine manufacturers to begin removing the mercury-latent thimerosal from vaccines in 1999, they did not order them to do it. So the pharmaceutical companies continue to put that in our vaccines.

During my tenure as chairman of the House Committee on Government Reform and Oversight, a myriad of scientists testified at a series of hearings before the committee that mercury in vaccines is a contributing factor to developing neurological disorders, including Alzheimer's disease and autism in children. Fifteen years ago, one out of every 10,000 children were autistic. Now it is one out of 150. And many scientists believe that is because of the mercury in vaccines.

In May of this year, the California Department of Developmental Services released a report entitled ''Autistic Spectrum Disorders, Changes in the California Caseload: 1999 to 2002.'' And the findings are very alarming. California's autistic population has nearly doubled in 4 years, from 10,360 cases in 1998 to over 20,000 cases in 2002.

This growth rate represents a 97 percent increase in just 4 years and a nearly 100 percent increase in California's case law since 1999. And they are not alone. The rate of growth in the population of persons with autism across this country is really horrible, and it is very bad in States such as Georgia, Minnesota, and Massachusetts. We have an absolute epidemic on

our hands. And if this trend is allowed to continue at a constant rate, we could have as many as 4 million autistic children in America in the next 10 years.

Despite a growing body of science linking autism to mercury and thimerosal, and the protests of hundreds of thousands of concerned parents across the country, the pharmaceutical industry continues to put mercury into vaccines for both children and adults even though they know mercury is toxic to the human brain. Pharmaceutical companies are concerned that they may be held liable in potential class action lawsuits for brain damage caused by the mercury-based preservative, which is still found in childhood vaccines diptheria, hepatitis B and the flu shots. Because of these liability concerns, language was inserted at the last minute under the cover of darkness in the homeland security bill to protect the pharmaceutical industry from class action lawsuits. However, because we caught it, we were able to get it out of there because a lot of Members of the House and Senate thought it was terrible what they did.

Numerous scientists have testified there is a simple way to prevent this, and that is to go to single-shot vials. Those little glass containers. They would not have to put thimerosal or any preservative in if they did that. Moving to single-shot vials could have an enormously positive impact in helping to minimize, perhaps even eliminate, some of the cases of Alzheimer's and autism and other neurological disorders linked to mercury.

This is something that the pharmaceutical companies must address. Our Food and Drug Administration and our health agencies are asleep at the switch. They are letting children and adults be damaged day after day after day by allowing mercury to continue to be put into vaccines for adults and children.

We have a growing number of people who are becoming Alzheimer's patients, a dramatically growing number. We have one in 10,000 children 10 years ago that were autistic, now it is one in 150. And scientists before my committee say it is in large part because of the mercury in the vaccines. We have to get the FDA on the stick. They have to demand that pharmaceutical products having mercury be taken out of them very, very quickly. If not, we are going to continue to have an epidemic on our hands that America does not need and should not tolerate.

COMMEMORATING THE LIFE OF ALTHEA GIBSON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Madam Speaker, tonight I am introducing a resolution to commemorate the life of the very talented Althea Gibson. Miss Althea Gibson represents an honorable and indelible mark on the history of America and the history of African Americans.

On this day, we seek to commemorate the life and achievements of Althea Gibson, a pioneer who left an unforgettable mark on sports as she broke the color barrier in tennis in America in the 1950s and helped pave the way for future generations of black athletes.

On Sunday, September 28, Miss Gibson died at the age of 76. Though the general public had largely forgotten her name in sports, Althea Gibson will always be a giant in sports history. The eldest of five children, Miss Gibson was raised in the Harlem section of New York City. She began studying tennis privately through the support of friends while furthering her education by attending Florida A&M University where she graduated in 1953.

Althea Gibson was the first black player on the Ladies Professional Golfers Association tour. She was a self-described born athlete who broke racial barriers not only in tennis but also in the Ladies Professional Golf Association. In a capstone to her career, she toured with the Harlem Globetrotters basketball team after retiring from tennis.

Miss Gibson won the American Tennis Association's Women's Singles Tournament 10 years in a row. However, tennis tournaments outside the ATA remained closed to her until 1950. In that year, white tennis player Alice Marble wrote an article in American Lawn Tennis magazine, noting that this excellent player was not able to participate in the better-known championships for no other reason that bigotry.

So later that year, Althea Gibson entered the Forest Hills, New York, national grass court championship, the first African American player of either sex to be allowed to enter. In 1950, Gibson became the first black player to compete in the U.S. tennis championships, and she played at Wimbledon in 1951. She captured the Wimbledon and U.S. championships in 1957 and 1958, and also won the French Open, and three Wimbledon doubles titles from 1956 through 1958. Her presence helped pave the way for later stars, such as Arthur Ashe, Venus and Serena Williams, and, of course, Tiger Woods.

On this day, let us all commemorate Miss Althea Gibson's fighting spirit and championship efforts. Miss Gibson came from the depths of racism and overcame much adversity. She proved as much as anyone that desire can beat the burdens of racism.

In closing, I would like to end with a quote from Miss Gibson: ''In sports, you simply aren't considered a real champion until you have defended your title successfully. Winning it once can be a fluke; winning it twice proves you are the best.'' Today, we would like to commemorate Althea Gibson, truly one of the best.

H.R. 693, REPEALING TAX ON DEATH GRATUITY

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. Madam Speaker, I am on the floor again. I come to the floor about once a week to talk about a bill, H.R. 693, to repeal the tax on the death gratuity.

The history of this is that in 1991 the United States Congress enacted legislation that created going from $3,000 to $6,000 the death gratuity. The death gratuity is a payment to the families who have lost a loved one in uniform, whether they be training or they be in war.

A couple of years ago I heard about this tax; and I thought about how unfair, how unacceptable that any family who has given a loved one in uniform for this country should have to pay a tax on a very small amount of money known as the death gratuity of $6,000. A year ago I introduced a bill that would take care of this tax and remove it. It was put in a larger package by the House leadership, which I appreciated, and sent over to the other body; but they did not act on the legislation. So we went another year that families who lost loved ones paid a tax on their gift of that loved one to this Nation and for freedom.

Again this year, Madam Speaker, we sent a bigger bill over with this language in it that would repeal the tax, but the other body will not take it up. And I want to give some examples of this, Madam Speaker.

From September 2001 through December 2001, 292 families in America had to pay a tax on their gift, that gift being a family member in uniform. In the year 2002, 1,007 families had to pay Uncle Sam for their gift of their loved one in uniform who died fighting for freedom. Already this year it is over 300. I do not know what the total will be when we reach December 31.

Madam Speaker, let me show a photograph of a young man who is 6 years old. His name is Tyler Jordan. Tyler is holding the American flag under his arm as he is looking at his daddy's casket. Tyler's father was a gunnery sergeant named Phillip Jordan, who was killed in Iraq fighting for freedom.

□ 1645

I look at this little boy, I saw it in the newspaper and it struck me so personally, I decided to try to get a copy of this young boy's face. Tyler's mother is going to get a bill from Uncle Sam, is not giving your daddy enough without receiving a tax from Uncle Sam on a small amount of money, $6,000, the death gratuity.

I want to read an e-mail from a father who e-mailed me last week. ''Dear Representative JONES, Thank you for your support of H.R. 693. Our son, Sergeant Jacob Frazier, was killed in action on March 29, 2003, in Afghanistan. Upon being told we would be taxed on

a portion of the $6,000 benefit, I was shocked and insulted. My son was not married, but I am sure there are numerous young widows who do not need another complication in their life.

''Our country should not add to their burden with additional taxation. Let me know if there is anything I can do to help you in Illinois to get this bill passed. Speaker HASTERT is my Congressman, and I would be happy to get in touch with him.''

Madam Speaker, I am asking the House leadership to please bring to the floor H.R. 693 as a stand-alone bill and let us send it to the other body. The photographs behind me are a few of the faces of young men and one woman who have died fighting for Afghanistan in Iraq. I have written to the President of the United States and the Speaker of the House of Representatives, and I am calling on Republicans and Democrats. This is an issue of morality. It is the right thing to do to say to the families who have given their loved ones, you do not owe us a tax.

Madam Speaker, I thank God for the gift of our men and women in uniform. I ask God to please bless them. Those who have lost loved ones I ask God to please hold in his arms and comfort those who have given their loved ones for freedom.

Let us pass this legislation before we leave in November. Let us not ask Tyler Jordan and his mother to pay a tax on the gift of his father and her husband.

God bless America.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under a previous order of the House, the gentlewoman from California (Mrs. DAVIS) is recognized for 5 minutes.

(Mrs. DAVIS of California addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. BURGESS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from 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.)

WASHINGTON WASTE WATCHER SPEAKS OUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 5 minutes.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I was not going to speak today but I felt compelled after I heard some remarks by one of our distinguished colleagues from the other party about the spending that the United States is proposing to do in Iraq and his concerns for the deficit situation in the United States of America. And I share his concern for the deficit, but I need to clarify some facts if we are concerned about the deficit, and then we must be consistent.

Madam Speaker, that same party in this Congress, and this is my first term here, has proposed amendments to major pieces of legislation that would have increased the deficit by $890 billion. Members heard me right, almost a trillion dollars of an increase on top of the deficit that exists right now. And yet in the Committee on the Budget when the chairman proposed a 1 percent cut, just a 1 percent cut in waste, fraud and abuse, Madam Speaker, the distinguished members of the other party all, 100 percent of them, voted no. The chairman did not get one single vote to cut just 1 percent in waste, fraud and abuse in that committee.

Is it because there is no waste, fraud and abuse in the Federal Government? Is the Federal Government so efficiently run that we cannot find 1 percent in waste, fraud and abuse?

Madam Speaker, I have been mentioning lots of examples as part of the Washington Waste Watchers Group that the gentleman from Texas (Mr. HENSARLING) and the gentleman from Florida (Mr. FEENEY) and I created with a number of our colleagues, but let me mention a couple of small examples to illustrate how much waste exists.

For example, Medicaid alone paid $1.6 million to a Wisconsin transportation company for multiple round-trip billings for people that were dead or that were hospital-bound that were not moving anywhere.

There is a lot more. The Veterans Affairs inspector general has identified over 5,500 possible cases of individuals who may be defrauding the government by receiving benefits intended for veterans who have died, who are dead, who are not there, who do not exist. Totally fraudulent. Again, that is money that does not go to the real veterans that deserve it.

Over the past 5 years, 6,733 fugitives have been arrested for illegally receiving food stamps. By the way, 1,500 of those were drug offenders, 31 were murders, 45 were sex offenders and child molesters, and hundreds were wanted for assault and robbery, and yet they received benefits they are not qualified for.

And yet some will say it is not enough to cut 1 percent in waste, fraud and abuse, and we see what they request as opposed to that, and we hear time and time again, the Democrats keep saying we have to raise taxes. We have to raise taxes because there is not enough money, because the Federal Government is run so efficiently that we cannot cut 1 percent of waste, fraud and abuse.

Madam Speaker, the facts do not bear that out. The Federal Government does waste people's money. The Federal Government loses almost $20 billion a year that just evaporates, they do not know where it is. The Federal Government cannot even misspend it because it is lost. And then they still say, the Democratic side, that we have to raise the hard-working American taxpayer's taxes because there is no waste, fraud and abuse.

Madam Speaker, the American people know better. We can and we must cut waste, fraud and abuse; and clearly, the days of raising taxes on the American people have to be over, and they are.

THROWING MORE MONEY AT IRAQ IS NOT THE ANSWER

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

Ms. KAPTUR. Madam Speaker, earlier this week U.S. Secretary of State Colin Powell spoke to a business forum in Detroit. His topic, the Middle East. His message, the nations of the Middle East need to transform themselves.

The Bush administration, having failed to find weapons of mass destruction, failed to find Saddam Hussein, failed to capture Osama bin Laden, failed to eradicate the Taliban, failed to implement the road map to peace between the Israelis and Palestinians, and of course failed to secure the peace in Iraq, is trying to salvage something out of its disastrous policy so they are talking about this policy of transformation.

The Bush administration is trying to get the American people to believe that throwing $87 billion more at Iraq will begin the process of transformation by building the garden spot of the Middle East and that other nations will magically follow the lead.

It will not work. Their policy is doomed to fail, throwing more money is not the answer in Iraq.

As the Detroit Free Press reported, although Secretary Powell had plenty of advice for Middle Eastern nations about how to conduct their affairs, he offered no plan for the road to peace. That is not surprising because the Bush administration has no plan for peace in the Middle East, no plan for postwar Iraq, no plan for getting the United States out of Iraq, and fundamentally, no long-term plan for energy independence for America which would give us the leverage we need to play the role of honest broker instead of dependent addict.

Secretary Powell said in Detroit that the Arab nations are plagued by poverty, alienation and despair. He said the Arab world needs to embrace free trade and democratize in order to break out of the cycle. But free trade cannot bring democracy. If that were

true, the Arab world would be a democratic paradise and have already broken the cycle of poverty, alienation and despair.

Instead, the oil oligarchies of the Middle East have already been trading for decades and decades. We trade extensively with the Bush administration's close friends in the Kingdom of Saudi Arabia. In fact, we have an oil trade deficit with them of over $8 billion a year. We trade extensively with the Bush family's close friends in Kuwait. We have an oil trade deficit with them of over $1 billion a year. And what about Iraq, home to the second largest set of oil reserves in the world? We had over a $3.5 billion trade deficit with them, even when sanctions were being imposed. The problem with the oil oligarchies is hardly a lack of trade.

The Detroit Free Press also ran a story ''Oil, Gas Tighten U.S. Connection to Mideast,'' and ''Alternative Fuels Dismissed at Forum.''

As reporter John Gallagher wrote, ''The U.S.-Arab Economic Forum gave a glimpse Monday at the future of American energy policy. It sure looked a lot like the past.'' And therein lies the problem. The past is filled with war and conflicts, much of it tied to the politics that come from the oil field across the Middle East. That is what the future will look like unless the United States achieves energy independence here at home.

Indeed, oppression and oil seem to go hand in hand, and it is a world that previous U.S. administrations, doing the bidding of Exxon, Chevron, Royal Dutch Shell, BP and other big oil companies have had a big hand in creating for over half a century. The United States at the dawn of this century is utterly dependent on Middle East oil. Our biggest trading partner, the Saudis, are increasingly brazen about the nature of our relationship, and their oil minister said in Detroit on Monday, ''Detroit makes a lot of cars, we produce a lot of oil; you can see the connection.'' You send us the oil, and we send them our dollars.

It is easy to see that the Saudis have George W. Bush exactly where they want him. They have DICK CHENEY exactly where they want him. They have Colin Powell exactly where they want him. And they have the American people exactly where they want us. They have us addicted to their oil and begging for our next fix. To me, that is unacceptable.

Here is what David O'Reilly, CEO of Chevron Texaco said in Detroit, ''We are in for a long period of dependence on fossil fuels.'' Well, that is no problem as long as we do not mind American dollars going to the Middle East for oil only to end up in the hands of terrorists who then kill us. The Bush administration might be comfortable with our relationship with those oil states, but I am not. That is why I have introduced the Biofuels Energy Independence Act of 2003, H.R. 130, and ask my colleagues to cosponsor it.

OIL, GAS TIGHTEN U.S. CONNECTION TO MIDEAST

(By John Gallagher)

The U.S.-Arab Economic Forum being held in Detroit gave a glimpse Monday at the future of American energy policy. It sure looked a lot like the past.

Speakers on a panel devoted to energy needs agreed that a reliance on Middle East oil and natural gas is the cornerstone of any future American policy.

Far from fostering a U.S. policy of independence from Middle Eastern producers, the panel suggested that ever-closer ties with the region and its vast oil and natural gas reserves will be needed to meet U.S. consumption.

Ali bin Ibrahim Al Naimi, minister of petroleum and mineral resources in Saudi Arabia, captured the almost cozy nature of the discussion when he quipped to the audience: ''Detroit makes a lot of cars. We produce a lot of oil. You can see the connection.''

Indeed, any stresses and strains in the energy relationship between the United States and Middle Eastern nations were simply not mentioned Monday. Panelists used the words ''partner'' and ''partnership'' multiple times. Alternative fuels such as solar and hydrogen were brought up just long enough to be dismissed.

''It's hard for people to visualize how massive the oil and gas industry is,'' panelist Lee Raymond, chairman and CEO of ExxonMobil Corp., said at one point.

Even if alternative fuels were to grow at a rate of 20 percent a year, they would still supply just 1 percent of U.S. needs while the vast, vast majority of capital in the energy industry is going into oil and gas,'' he said.

Clarence Cazalot, president and CEO of Marathon Oil Corp., underscored the point by declaring that Marathon has no projects in the works dealing with alternative sources of energy.

The panel was convened to talk about Middle Eastern oil policy, so it was not surprising that it did not take up broader energy problems.

And the business-as-usual approach probably was assured by the make-up of the panel. Two Middle Eastern oil ministers, four U.S. oil company chief executives, and former Michigan Sen. Spencer Abraham, now U.S. Secretary of Energy in President George W. Bush's cabinet.

Even so, it was surprising how little mention was made of broader energy problems. There was no discussion of this summer's surge in gas prices, except when Al Naimi declared that the war in Iraq had produced no significant increase in prices this year. Nor was there any discussion of the recent blackout that left metro Detroit, much of the Northeast and parts of Canada in the dark.

Instead, oil producers and oil company executives agreed that there was no getting around the realities of the United States being the world's biggest energy consumer and the Middle East holding the world's biggest reserves of oil and natural gas.

''We're in for a long period of dependence on fossil fuels,'' said David O'Reilly, chairman and CEO, of Chevron Texaco Corp., told the audience at the Detroit Marriott Renaissance Center.

U.S. energy consumption is expected to grow 50 percent by 2025; Al Naimi estimated, a figure that no one disputed.

Yet around the edges of the discussion Monday, a few glimpses of potential problems crept into the discussion.

If the United States is worried about a stable supply of oil and natural gas, it turns out that producing nations like Saudi Arabia and Qatar are worried at least as much about a stable demand.

Russia, Mexico and other non-Arab oil-producing nations are clamoring for more access to the U.S. markets. The panelists noted that Middle Eastern nations can't afford to make massive new investments in their facilities without assurances that the U.S. market will still be open to them.

And there was just the barest mention of civil unrest in some Middle Eastern nations, where forces of modern secular capitalism vie with religious fundamentalism. O'Reilly noted that a solid relationship with the United States is needed to help young Arab men and women meet their potential.

As if to mirror the mostly up-beat discussion Monday, gasoline prices in Michigan continued their recent slide.

The statewide average price for a gallon of self-serve, regular gasoline is down more than 10-cents from a week ago, AAA said. It marked the second straight 10-cent drop in as many weeks.

[From the Detroit Free Press, Sept. 30, 2003]

MIDDLE EAST MUST END ITS CYCLE OF TERRORISM, DESPAIR, POWELL SAYS

(By Niraj Warikoo)

The Arab world is trapped in a cycle of despair and fury that will continue to breed terrorism unless nations radically change their policies, said U.S. Secretary of State Colin Powell in a toughly worded speech to business leaders in Detroit Monday night.

Powell gave few specifics on how the Middle East can bridge the gap but cautioned that if it is to survive, the region urgently needs solid jobs, along with respect for rule of the law, the individual and religious tolerance.

''It is no exaggeration to say that without a transformation of the Middle East, the region will remain a source of violence and terrorism,'' Powell said. ''We must not let that happen. We will not let that happen.''

Powell spoke at the first U.S.-Arab Economic Forum, an event designed to bring the two worlds together with the local Arab-American community acting as a conduit. Hundreds of U.S. and Arab business leaders gathered in Detroit's Cobo Center to hear him speak.

He urged the crowd to join him in transforming the Middle East into a region full of hope and where ''all people worship God in a spirit of tolerance and understanding.''

Some Arab Americans in the audience were unimpressed with Powell's speech, saying he should have announced a plan to relieve the suffering of the Palestinians.

''He brought no new ideas,'' said Ron Amen, executive assistant to Wayne County Executive Robert Ficano. ''He brought no new hope.''

Powell spoke at length about Iraq during his speech and during an earlier interview with the Free Press. He said he believes a weapons of mass destruction program will be found in Iraq.

''There is no doubt in my mind'' the United States will find evidence of Saddam Hussein's weapons program, Powell said. ''It wasn't a figment of anyone's imagination.''

Powell criticized those who questioned whether Hussein had deadly weapons before the war.

Some people thought that ''sweet Saddam Hussein, who was willing to gas 5,000 people on a spring day in 1988, was suddenly a different Saddam Hussein,'' Powell said during the Free Press interview.

''Other nations might have been willing to make that judgment, but not President Bush. He wasn't going to walk away from the challenge.''

Powell said former UN weapons inspector David Kay is going through documents and interviews in a search for a weapons program. And Powell recounted his visit earlier

this month to Iraq, saying he was touched by the northern city of Halabja.

Powell said he spoke with Iraqis whose family members were killed in that town in March 1988, when Hussein's regime used chemicals to kill an estimated 5,000 people.

He urged the American public to be patient with Iraq, reminding reporters that it took the United States more than 12 years—from 1776 to 1789—to draft a constitution.

''It isn't easy'' to draft a governing document, he said.

Besides Iraq, Powell addressed the conflict between the Israelis and Palestinians. He said Palestinian Authority President Yasser Arafat ''is not a partner for peace.''

Powell said he has made it clear to Arafat that he must change his leadership approach.

Powell also questioned Israeli settlements and the way Israel is constructing a new security fence near its border.

Powell tried to quell concerns about how Arabs traveling to the United States will be treated at airports and by the government. He conceded there has to be balance between liberty and security in admitting new visitors and immigrants.

Said Powell: ''We want to be a welcoming society.''

JUMP-STARTING IRAQI ECONOMY

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

Mr. ROHRABACHER. Madam Speaker, in the next few weeks Congress will be shaping and hopefully passing legislation aimed at jump-starting the Iraqi economy, hopefully laying the foundation for prosperity and democracy in that troubled land. The administration is proposing a $23 billion package out of an $87 billion program; and the question now is, what form will our support take in this first $23 billion assistance package to Iraq? Will it be given to Iraq in the form of a loan or will it be given in the form of an investment or will it be given in the form of a grant?

We are being told in Congress that it must be given in the form of a grant. We are being told that the people of the United States must give to Iraq $23 billion because if we try to give it in the form of a loan instead of a grant that it will hurt the Iraqi economy and they will not be able to prosper.

This is so much nonsense, State Department nonsense which is not taking into consideration the well-being of the people of the United States of America and taking the easy way out. Yes, let us just shovel money over there. That would not be good for the people of Iraq or the people of the United States.

□ 1700

The objection the State Department has is based on the idea that if we have any more debt accumulated on the people of Iraq, they will not prosper because they already have so much debt. In fact, their debt is estimated at $120 billion. That is no reason for us to just give away $23 billion of the money of the people of the United States. No. What we should be doing is saying, who loaned that money to Iraq? And, in fact, what we are talking about here is $120 billion given not to the people of Iraq but to Saddam Hussein, to Saddam Hussein's regime by our supposed allies, by big international banks.

Our position should not be that the Iraqi people have to repay that debt. We should be encouraging the new democracy in Iraq to repudiate the debt of countries that gave money to Saddam Hussein which he then used to buy weapons to repress and oppress his own people. Repudiation of that debt will permit the Iraqi people to prosper and permit us rather than to penalize our own people in order to repay, yes, the money is not going directly back to those big international banks, but it will be going back to them if we simply shovel our money into Iraq right now.

No, we should help Iraq establish the foundation for prosperity by insisting that the loans that were given to Saddam Hussein are not the responsibility of the people of Iraq who want a democratic government. If those big bankers in France and Germany want their loans back which they gave to Saddam Hussein, let them find Saddam Hussein and collect those loans from Saddam Hussein, not the people of Iraq. Our assistance should be based not on giving money to the people of Iraq because we have no choice because Iraq already owes so much money. What we should do is help them get out of that debt situation by repudiating that illegal debt and, instead, structure our support as loans when we can, or even investments.

Much of what is being suggested for Iraq is upgrading their post office, their water system, their oil production, their electric system. All of those things are based on services that are provided to the Iraqi people which they will pay for. Let us structure the $23 billion we give to Iraq as an investment in those things rather than just giving them the money and expecting no repayment for the American people in return. This would be actually more efficient in the end because it would put a profit-type of incentive into the mix when people are setting up the post office and the water system and the oil production and the electric system in Iraq. No, let us reconfirm to the world by supporting the repudiation of Saddam Hussein's debt; let us reconfirm the principle that anyone who loans money or does business with dictators does so at their own risk and the American people should never bail them out if that dictatorship is overthrown. We should be on the side of the democratic forces and give them an incentive to get rid of the dictator and by doing so, get rid of their debt rather than have to bear the burden of their own oppressor.

SUPPORT OUR TROOPS: $1,500 BONUS BILL

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Madam Speaker, this week as the other body takes up the President's request for an $87 billion supplemental appropriation bill for Iraq, we must do more for our troops and their families who are under increasing duress. Specifically, Congress should grant a $1,500 bonus to all those who serve in Iraq and Afghanistan. Not since Vietnam have such a large number of troops been deployed for so long. The pressure this puts on our troops and their families is tremendous. This summer, the Department of Defense increased deployments for troops serving in Iraq and Afghanistan to 1 year, and not until last week did the Department of Defense offer these troops who are living under highly primitive and stressful conditions a 2-week leave for rest and recuperation. And tragically this month, our U.S. casualties in Iraq surpassed the number of those killed in the first gulf war. We now have lost more than 300 soldiers, sailors and airmen.

Recognizing the increasing gravity of U.S. military involvement abroad, I introduced H.R. 3051 to qualify all active duty military personnel deployed for any length of time in Iraq and Afghanistan for a $1,500 bonus. This bonus proposal should be made part of the supplemental appropriation bill. As Members of Congress, we may have different ideas about the U.S. policy in Iraq, but we can all agree our service- men and -women deserve our sincere recognition for their courageous efforts. $1,500 will not only help boost morale but will send a strong bipartisan message to our troops that Congress is unified behind them.

The Bush administration is lobbying Congress for $21 billion in direct grants to support infrastructure developments in Iraq in this $87 billion supplemental appropriations bill. First of all, I see no reason why we cannot separate this $87 billion into two separate bills: one, the $66 billion defense portion, which I think we all support, and $21 billion for the reconstruction portion and then let us as a Congress require Iraqi oil to be used as collateral for international loans to finance Iraqi infrastructure projects and ensure that Iraq construction contracts are competitively bid. Either way, U.S. citizens should not be expected to support Iraqi development while many Americans are facing shortfalls in funding here at home, in health care, prescription drug coverage, schools, road construction, and other critical infrastructure improvements. Congress must continue to work to restore Iraq to a stable and self-governing state, but not at the expense of Americans here at home and our troops abroad.

I also question several items contained in the administration's supplemental bill for Iraq, like the $4 million to develop a set of telephone numbers and $150 million for a national 911 system; $100 million to build seven planned communities with 3,258 houses;

$10 million to finance 100 prison-building experts; $100 million for 2,000 garbage trucks; $20 million for Afghanistan consultants; $850 million for health facility construction and medical equipment replacement; and $900 million to import petroleum products, such as kerosene and diesel, to a country with the world's second largest oil reserves.

Instead of again coming back and dipping into the pockets of working Americans and risking veterans benefits for our troops when they return home, I support proposals to suspend the tax cut for the top 1 percent of income earners to pay for the Bush administration's $87 billion supplemental appropriation bill for Iraq. Again, I urge Congress to consider my bill, H.R. 3051, to include support for our troops in the supplemental aid package to Iraq. Again, my bill provides a $1,500 bonus to military personnel who serve under the Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard and Reserves in a combat zone in Iraq or Afghanistan. In the coming year, an estimated 150,000 young men and women will not see their families. They will be deployed overseas in Iraq and Afghanistan. A record number of Reservists and Guards- men and -women will put their private sector opportunities and jobs on hold, and thousands of children from every part of America will pray for their parents' safe return.

These extraordinary times deserve an exemplary measure. I urge my colleagues to support my bill, H.R. 3051, to provide for our troops in Iraq and Afghanistan and to make it a part of the supplemental appropriations bill. Give our troops the $1,500 bonus they deserve.

REPORT OF WASHINGTON WASTE WATCHERS

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

Mr. FEENEY. Madam Speaker, I am delighted to rise tonight and join the gentleman from Texas (Mr. HENSARLING) and the gentleman from Florida (Mr. MARIO DIAZ-BALART) as we have established the Washington Waste Watchers. Ronald Reagan once defined the American taxpayer as somebody who works for the Federal Government but does not have to take the civil service exam. Unfortunately, he was far too correct. According to Americans for Tax Reform, the average American family has to spend 193 days working to pay their total cost of government: Federal, State and local taxes and the regulatory burden. 130 of those 193 days are the cost of funding the Federal Government. Imagine working 193 days for the average American. That is more than half the year by far. It is time that our families were able to spend most of their time working for their families and themselves and not for the Federal Government, the Federal bureaucracy.

We are facing a time of a dramatically expanding new deficit. We understand the need on homeland security. We understand the aftermath of September 11. We understand the need to support our troops over in Iraq. But the bottom line is that, here at home, we have a lot of spending that is simply out of control. The best place to attack this spending, in our view, in the Washington Waste Watchers Caucus, is to go after wasteful spending, is to look at programs that simply are not being well run, are not efficient or are meaningless altogether. There are many, many examples of this. Over time, the Washington Waste Watchers will be reminding not just our constituents but we will be reminding people who are the stewards of the American taxpayers in all of the different Federal agencies that they do not want to be the next group or the next individual embarrassed because of what they have done on their watch with the taxpayer dollars.

There are lots of examples. I want to go through a few tonight. In the Pell grant program, for example, if ideally run, it helps empower many thousands of American men and women get through college. An administrator at the Beacon Career Institute in my home State of Florida, however, defrauded the Department of Education of nearly $1 million. The administrator submitted false documents to justify the disbursement of $720,000 in improper Pell grants. This money could have been used to pay for some 600 Pell grants when combined with the other $2.4 million in fraud. The Department of Education estimates that in the year 2001, some $336 million in Pell grants were improperly disbursed, given to the wrong people. That is wrong. Unfortunately, some of our friends in the Democratic Party still want to raise your taxes.

If you look at the Bureau of Indian Affairs, for example, there is a lot of fraud that is denying legitimate Indian needs out there in America. In New Mexico, for example, a Bureau of Indian Affairs bookkeeper embezzled $66,000 of Federal money intended for the Wingate High School. Also in Arizona, the neighboring State, two Bureau of Indian Affairs bureaucrats skimmed over $60,000 intended for Indian education programs. Again, a lot of our Democratic colleagues still want to raise your taxes.

In the Virgin Islands, if you look at the Office of Insular Affairs, in the Virgin Islands the Department of Health failed to effectively administer grants that total over $30.5 million. Errors included failure to engage in competitive bidding, improper land acquisition, undocumented cost claims and even the failure to complete a health clinic. Again, a lot of our Democratic friends still want to raise your taxes.

Finally, the Federal Emergency Management Administration. A lot of my colleagues understand in the aftermath of tornadoes, wind storms, and the recent hurricane that came up through the east coast, we want an emergency management agency to help people in severe need as they are rebuilding their communities. We want to make sure that police and fire and fundamental services are taken care of. But in response to the most recent wind storm, do you know what the Federal Emergency Management Administration is funding in this part of the world right outside of the Capitol here? Free stress reduction and personal growth classes as a response to the hurricane. They ask questions like, does stress make you feel unbalanced? Do you sometimes feel sad, depressed or empty? Do worrisome thoughts make you feel overwhelmed? By the way, if so, FEMA, the emergency management administration, thinks it has got an answer for you. What does it have? Multicultural initiatives, presenting a series that will allow discussion of who we are, where we are from, why we are here and how we are doing, a Federal program supposedly responding to emergencies in our States.

Multicultural town meetings. We have future workshops to address the issues of diversity, peace and violence versus nonviolence. These may be worthwhile things, but do you think that your tax dollar in the emergency management administration should be spent on them? Finally, anger management programs are being funded with your tax dollars in the Federal Emergency Management Administration.

Lastly, I will tell you that they are using your tax dollars, supposedly used to respond to emergencies, to do things like a yearlong celebration of trees, of gardens and other healing places. Ladies and gentlemen, some of them on the Democratic side still want to raise your taxes.

We are going to go after the waste in government.

THE SITUATION IN IRAQ

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

Mr. HINCHEY. Madam Speaker, earlier this evening, one of our Republican colleagues, a very fine and thoughtful gentleman, came to the well here to lament the fact that the dialogue here, the discussion in the House, has become somewhat partisan lately. I have to agree with him that that is the case. He also said that earlier, after September 11, 2001, immediately thereafter, there was a sense of unity and purpose here, we were united. There is no question that that also is true. There are legitimate reasons for both circumstances.

After the attack of September 11, of course we were united. We were united as a country and the Members in this House were united purposefully to deal with the problems associated with that attack.

□ 1715

The President and the Members of Congress here identified the source of that problem. It was al Qaeda network being harbored by the Taliban in Afghanistan, and we all united together to make sure that that problem was eliminated. Some of us even went to Afghanistan to be with our military personnel to show them our support for the efforts there. That military action is over. Unfortunately, due to the lack of attention of the administration, however, it is rapidly deteriorating.

But I want to talk more about the situation that exists in Iraq because that has become the major focus of our attention, and indeed it has taken on a partisan perspective, and there are very good reasons for that because we have major differences of opinion. First of all, with regard to the rationale for attacking Iraq and, secondly, with regard to how the circumstances there are being carried out by this administration and especially by the Defense Department under this administration.

Everyone will recall that the President, when he spoke here in this House to a joint session of Congress and the American people, said over and over and over again directly and indirectly that there were ties and relationships between Saddam Hussein and Osama bin Laden, between Iraq and the al Qaeda network, and that was the reason why we had to go to war. Just recently the President has had to admit that that was not the case. There was no connection between Saddam Hussein and al Qaeda or Osama bin Laden.

Then the administration was telling us that they had to go over weapons of mass destruction. They knew there were chemical and biological weapons there in Iraq, and we had to go in there because those weapons were dangerous and they had to be taken care of. We have been there now for 5 months. We have found no chemical or biological weapons, no trace of any program dealing with nuclear weapons in spite of the fact that the President, from the podium here in this House, said that he had good solid information that the Iraqis were importing enriched uranium from Niger to facilitate the development of their nuclear program. All of that has turned out to be false. And so, yes, we raised the question why did we go to Iraq? For what purpose are we there? Why did we disrupt that country? Why have we created a situation of chaos there that has resulted in the death, up to this moment, of more than 300 American soldiers and the injury, the wounding, many of them very serious, of hundreds more, not to mention the deaths of tens of thousands, perhaps hundreds of thousands of Iraqis and others from other countries? Yes, we question that.

Now, we find out other things. For example, we have learned recently that there are now, according to General Abizaid, who is the highest-ranking American military officer in the Persian Gulf, that there are 650,000 tons of conventional weapons in Iraq, and they are essentially unguarded. The administration is running around the country there looking for so-called weapons of mass destruction. They have not paid a bit of attention to 650,000 tons of conventional weapons, grenades, surface-to-air missiles, 500-pound bombs, things of that nature that are scattered in places all over that country.

The destruction of the UN headquarters in Iraq recently, which resulted in the death of the highest-ranking United Nations official in Iraq, is something that we are all deeply concerned about and lament. What caused that? It turns out that under an FBI investigation, they found remnants of a Russian-made 500-pound bomb that, in all likelihood, came from one of these arsenals that are scattered around Iraq unguarded from which the terrorists can get all of the explosives and all of the conventional weapons they want, because we are not paying sufficient attention to them because we are looking for something that the administration has known from the beginning, based upon intelligence from the Central Intelligence Agency, the FBI, and elsewhere, that there were no weapons of mass destruction in Iraq.

They have taken us down a blind alley. We see through it. We see the falsehood. We see the mendacity. And, of course, we have an obligation, a responsibility to speak out against it. That is why the tone has turned in this House to a more partisan nature, because the administration and the leadership in this House pulled the wool over the eyes of the American people and many of the Members of this House who voted for that war resolution back last October. And now it is evident that they did so under false pretenses. It was a fraud, and we need to take action to correct it.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 3, PARTIAL-BIRTH ABORTION BAN ACT OF 2003

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 108–290) on the resolution (H. Res. 383) waiving points of order against the conference report to accompany the Senate bill (S. 3) to prohibit the procedure commonly known as partial-birth abortion, which was referred to the House Calendar and ordered to be printed.

CONCURRENT RECEIPT

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under a previous order of the House, the gentlewoman from Guam (Mr. BORDALLO) is recognized for 5 minutes.

Ms. BORDALLO. Madam Speaker, I have on my desk a small card which has the words of my predecessor Congressman Ben Blaz. It says ''I am a Member of Congress, but not one of its Members.'' I read those words today, Madam Speaker, because I had them reinforced to me when I tried to sign the discharge petition here in Congress to give the veterans concurrent receipt that they deserve. We have veterans on Guam, 15,000 of them, in fact, but I was told as a Delegate, I cannot put my name on that discharge petition. More soldiers from Guam have died, per capita, in foreign wars than any other State in the Nation. But Madam Speaker, I cannot put my name on that discharge petition. Pacific Islander veterans suffer disproportionately from posttraumatic stress disorder, but I cannot put my name on that discharge petition. I am a cosponsor of H.R. 303, but I cannot put my name on that discharge petition.

What can I do? I have decided to come to the floor today to appeal to my colleagues. I urge them to sign the discharge petition, Republican or Democrat; it does not matter. Do it for the veterans in their district. Do it for the veterans of Guam. Do it for their colleague who has been denied that right. I appeal to my colleagues on behalf of the disabled veterans of America. I see them at town hall meetings in my district all the time, and it breaks my heart. Veterans like Mr. Victor Pangelinan Tabios, who is 100 percent disabled.

Madam Speaker, the people of Guam are shy people. It takes a lot of courage for them to stand up in public and to speak out their mind. So when Victor spoke to me about concurrent receipt, I listened. He served our country with duty and honor and pride, and now it is time for us to step up and do the same. If just one of my colleagues will sign that discharge petition today, they will have the deepest thanks from the people of Guam and a very grateful Delegate who cannot sign the petition.

Mr. FILNER. Madam Speaker, will the gentlewoman yield?

Ms. BORDALLO. I yield to the gentleman from California.

PARLIAMENTARY INQUIRY

Mr. FILNER. Madam Speaker, would it be in order to ask unanimous consent to request to allow the gentlewoman to sign the discharge petition?

The SPEAKER pro tempore. No, the Chair will not entertain that request.

Mr. FILNER. Why is that?

The SPEAKER pro tempore. The respective rights and privileges of the Members and Delegates are established by rules and by law; so that unanimous consent request will not be entertained.

Mr. FILNER. Madam Speaker, I thank the gentlewoman for bringing this up because this is an insult to her constituents, it is an insult to her. I will say if the Democrats get control of the House, the right to vote and sign discharge petitions, we hope, will get back to the delegates.

Ms. BORDALLO. Madam Speaker, I thank the gentleman for his interest and concern.

THE WAR IN IRAQ AND ITS AFTERMATH

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

Mr. BROWN of Ohio. Madam Speaker, 160 or so years ago, former President John Quincy Adams, then a Congressman, came to the House floor and shared with Members of Congress letters from his constituents, mostly from women, who at that time could not vote. In those days, the conservative leaders of the House of Representatives actually passed a House rule prohibiting, banning the discussion or the debate of slavery in the U.S. House of Representatives. John Quincy Adams, believing that slavery should be abolished first and, second, believing that the elected Representatives of our country should be allowed to debate that issue, came to the House floor day after day, night after night, week after week, sharing those letters from constituents protesting the actions of the conservative leadership in this Congress.

In that tradition, I have, night after night since July, come to this House floor sharing letters from my constituents about their concerns about the war in Iraq and about what has happened now with the President's not owning up and telling us the truth about the war and the aftermath of the war. We have faced the same problem here where this Congress has refused to debate many of the questions investigating whether the President and the administration told the truth about our reasons going into Iraq and told the truth since about the unbid contracts going to Halliburton, about how much money we are spending, about our plan to get out of the war, about how he is, in fact, taking care of our troops, something that unfortunately has been forgotten. And I want to share letters from my constituents today with Members of the House of Representatives.

I will start with Tonya who writes: ''I am a veteran, and I know better than most people what the military needs right now. I support our troops in every way possible,'' Tonya, a veteran, writes. ''They all deserve raises and increases in their hazardous-duty pay,'' something that President Bush has opposed. ''In my opinion, our troops should be brought home. Let the UN and the Iraqi people clean up the mess.'' This can be done. ''Use that same $87 billion to stimulate the economy in the United States.''

Ann writes: ''Congress must shift from the passive stance taken after September 11 and accept their constitutional responsibility of oversight. Congress has required far too little accountability from the Bush administration and allowed them far too much discretion. This President has proven to be a failed leader incapable of running this country.'' What Ann is talking about is the unbid contracts. We are spending $1 billion a week in Iraq right now. Three hundred million dollars of that has gone to private contractors, many of them the President's friends, many of them people who contributed money to the President's campaign. One of those companies that Ann is talking about is Halliburton, a company which has been beneficiary of hundreds of million of dollars in unbid contracts and just happens to be the company where Vice President CHENEY used to be the CEO, and a company that is still paying Vice President CHENEY $13,000 a month. That is Ann, a constituent.

Peter writes: ''The President and his clique should recognize the mistakes of the past and do what's fair to the Iraqi people. Let them decide for themselves, let them become a sovereign nation under the auspices of the UN. Bring back the troops, work through and with the UN. Spend the $87 billion and more at home for schools, health care, basic infrastructure. Take care of the people at home.''

George writes: ''If Bush wants his mess cleaned up by U.S. taxpayers, then he needs to concede that the tax cuts for the wealthy cannot stand.'' What George is referring to is that 42 percent of the tax cuts this Congress passed went to the 1 percent wealthiest people in this country. The average millionaire got a $92,000 tax cut, while half of my constituents got literally zero. George writes: ''Nothing good will come of this, with control passing to the UN for rebuilding.'' And, yes, we must pay for what we broke. ''The tax cuts for the wealthy should be repealed immediately.''

The last letter I will read, Barbara writes: ''We cannot leave Iraq in the mess we have created. However, if the $87 billion is to be used to rebuild, we should have contractors from Iraq do the work, not Halliburton.'' Remember, that is the company where Vice President CHENEY still receives $13,000 every month from while our Government is giving unbid contracts to that company to the tune of hundreds of millions of dollars in Iraq. ''We need to turn this disaster over to the UN, if it is willing, get the world involved and turn this into a worldwide humanitarian effort. Bush has been extremely successful at raising money for his unopposed'' in the primary ''reelection campaign. Perhaps he should get out there and start requesting donations to rebuild Iraq, and let's not forget Afghanistan. I would gladly return my $400 tax rebate, and I am sure that his supporters would continue to attend the $2,000-a-plate dinners for the cause they support.''

□ 1730

Madam Speaker, it is pretty clear that people all over my district, my State, this country are unhappy with how the President has failed in supporting the troops by opposing pay raises, by cutting veterans benefits when they come home, and that my constituents are concerned about the billions of dollars we are spending in Iraq with no accountability. Madam Speaker, my constituents are concerned about the corruption coming right out of the White House where unbid contracts are going to the President's friends, the President's contributors, and the Vice President's company, which still continues, continues every month since he has been Vice President, every month since they have been given contracts in Iraq, continues to give Vice President CHENEY $13,000 every single month.

THREE SIMPLE STEPS

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Madam Speaker, today, as ranking member of the Committee on the Judiciary, I am calling upon the White House to take three simple steps which would send a signal that they want to get to the bottom of the growing controversy concerning the leaking of a CIA operative's name to the press.

The first thing I would ask them to do is to call upon the Attorney General to appoint a special council. The second thing I would ask that they do is to order any and all staff advisors to comply with a lie detector test. Third, I would ask the President to order his staff and advisors to waive any journalistic privilege they have as confidential sources with regard to the press.

This probe has led to the following news breaks: NBC, Brokaw, the leak: Did someone in the White House blow the cover of a CIA agent to discredit a critic of the administration?

This is from the National Journals daily briefing on politics. CBS's Rather: The CIA scandal charges that the White House blew the cover of an undercover CIA agent. An investigation is launched.

ABC's Jennings: the President's advisor says he did not leak the name of a CIA officer whose husband criticized the President.

CNN's Jay King: the President quickly left the room after this afternoon's bill-signing, ignoring shouted questions. His spokesman says Mr. Bush sees no need for an internal White House investigation and no need for an outside investigation by a special prosecutor.

White House chief of staff Andy Carr told senior staffers Monday that anyone with information about the leak should contact the Justice Department. But at this time, there is no formal directive to the White House staff, and the President is not asking for an internal review, despite reports that the illegal leak came from within the White House.

CNBC's Seigenthaler, tonight on the news: Did someone at the White House break the law by leaking the name of a top secret CIA agent?

FNC's Hume: Washington is in a frenzy over the alleged White House leak of a CIA agent's identity, but is there any evidence that it was the White House?

NBC's Miklaszewski: At the White House today, President Bush was beginning to feel political heat.

And CBS's Roberts: the White House tried to jump out in front of the potentially damaging controversy today, insisting that it would never authorize the leaking of a CIA operative's name.

Now, my recommendation is that the President call upon the Attorney General to appoint a special council. It is the only way to ensure the American public that the investigation will be performed fairly and impartially, to call upon the Attorney General to appoint the special council.

Now, if we read the Code of Federal Regulations, volume 28 at section 600.1, the Attorney General is required to appoint a special council when a ''criminal investigation of a person or matter is warranted''; and, two, the investigation ''by a United States Attorney's Office would present a conflict of interest for the Department''; and, three, ''it would be in the public interest to appoint an outside special council to assume responsibility for the matter.''

Now, it so happens all of the facts are present here. First, the allegations, if true, constitute an obvious serious criminal violation under 50 United States Code section 421. The disclosure of a name of a covert agent is punishable by up to 10 years in a Federal prison.

CONSTITUENTS EXPRESS THEIR VIEWS ON PRESIDENT'S REQUEST FOR $87 BILLION SUPPLEMENTAL

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

Ms. SCHAKOWSKY. Madam Speaker, I wanted to join my colleague, the gentleman from Ohio (Mr. BROWN), who, along with him, I have been reading some letters and e-mails from constituents regarding their view on the ongoing war in Iraq, and their views about the request for $87 billion. A number of these e-mails that I have gotten have been generated by moveon.org that has an online petition where hundreds of thousands of people have signed on, and many of them have written comments regarding their unwillingness to spend $87 billion, particularly while the leadership team that got us into Iraq is still in place, and as long as we fail to internationalize the effort in rebuilding Iraq.

So I thought it would be useful to read some of the letters and the e-mails that I have gotten.

Rebecca from Park Ridge says, ''This Congress has a responsibility to ensure that our tax dollars are used well, but President Bush is demanding another enormous blank check. Congress must withhold the $87 billion requested by President Bush until he dismisses the team responsible for the quagmire in Iraq, starting with Defense Secretary Rumsfeld, and end the U.S. occupation of Iraq by transferring authority for rebuilding to the United Nations.''

Doralee of Evanston says, ''I beseech you as moral people who care about the survival of this world to deny Bush's request for $87 billion and fire Rumsfeld and develop a whole new approach to restoring Iraq by involving the United Nations. This is such a serious matter that you cannot give Bush blanket authority anymore. He has not handled this situation in a competent manner.''

And Barbara from Wilmette says, ''I was stunned and disheartened to read that President Bush is asking for $87 billion from Congress for an occupation in Iraq that has only lead to the death of our soldiers and Iraqi civilians and further bitterness of the Iraqi people toward the United States.''

Oletta from Chicago says, ''This war has been fiscally and morally mismanaged and should not garner any further financing without an exact budget and defined timelines. Don't let Bush and his administration continue to bankrupt America because he still doesn't know what he is doing or is going to do.''

Pamela says, and she is from Chicago, ''I believe we need to invest in rebuilding Iraq and protecting our troops, but we need to do it in a sensible way, in concert with the world, and in a way that benefits the people of Iraq. So, the quid pro quo for the money is a change in policy and in leadership.''

Cecelia, also from Chicago says, ''I don't begrudge funding, as long as I feel that the war is properly managed. I don't. Our soldiers are vulnerable, the Iraqis seem to hate us, the terrorists are picking us off, and we don't seem to have a plan to change any of this. Firing Rumsfeld would be a start.''

David from Chicago says, ''I hear story after story of parents of our men and women serving in Iraq sending regular care packages with things like sun screen because their children are not being provided these items by the military. It is clear that the money being spent is not being targeted to those in the service and apparently not to the Iraqi people who still lack power, water, food, and medical facility. It does appear that Halliburton is profiting quite nicely from its no-bid contract. I object to sending more money until Mr. Rumsfeld is removed and we get an accounting of how the money is being spent and who is getting their pockets lined with it.''

Janice from Chicago says, ''Congress must withhold the $87 billion requested by the President until he dismisses the team responsible for the quagmire in Iraq, starting with Defense Secretary Rumsfeld, and ends the U.S. occupation by transferring authority for rebuilding to the United Nations.''

Jonathan from Chicago says, ''Don't reward failure. The war in Iraq was won handily, but the Defense Department's hamfisted attempts to run things in Iraq, over the objections of the more experienced State Department, has been dismal and embarrassing. By all means, fund the continued rebuilding efforts in Iraq, but not while the architects of the current mess are still choosing how to spend our money.''

And David from Chicago says, ''Please make sure we don't alienate the rest of the world more than we already have. Please make this administration admit that it has made a misstep by not involving the world community in the Iraq situation from the outset.''

Jeffrey from Chicago said, ''This is outrageous, given the fiscal crisis our States are in, and the fact that the money would go a long way to shore up education or help programs that confront the issues of homelessness or poverty. Get up and do something about this. I'm keeping track.''

CONFERENCE REPORT ON H.R. 1474, CHECK CLEARING FOR THE 21ST CENTURY ACT

Mr. OXLEY submitted the following conference report and statement on the bill (H.R. 1474) to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes:

CONFERENCE REPORT (H. REPT. 108–291)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1474), to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu, of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Check Clearing for the 21st Century Act'' or the ''Check 21 Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings; purposes.
Sec. 3. Definitions.
Sec. 4. General provisions governing substitute checks.
Sec. 5. Substitute check warranties.
Sec. 6. Indemnity.
Sec. 7. Expedited recredit for consumers.
Sec. 8. Expedited recredit procedures for banks.
Sec. 9. Delays in an emergency.
Sec. 10. Measure of damages.
Sec. 11. Statute of limitations and notice of claim.

Sec. 12. Consumer awareness.
Sec. 13. Effect on other law.
Sec. 14. Variation by agreement.
Sec. 15. Regulations.
Sec. 16. Study and report on funds availability.
Sec. 17. Statistical reporting of costs and revenues for transporting checks between Federal Reserve banks.
Sec. 18. Evaluation and report by the Comptroller General.
Sec. 19. Depositary services efficiency and cost reduction.
Sec. 20. Effective date.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—The Congress finds as follows:

(1) In the Expedited Funds Availability Act, enacted on August 10, 1987, the Congress directed the Board of Governors of the Federal Reserve System to consider establishing regulations requiring Federal reserve banks and depository institutions to provide for check truncation, in order to improve the check processing system.

(2) In that same Act, the Congress—

(A) provided the Board of Governors of the Federal Reserve System with full authority to regulate all aspects of the payment system, including the receipt, payment, collection, and clearing of checks, and related functions of the payment system pertaining to checks; and

(B) directed that the exercise of such authority by the Board superseded any State law, including the Uniform Commercial Code, as in effect in any State.

(3) Check truncation is no less desirable in 2003 for both financial service customers and the financial services industry, to reduce costs, improve efficiency in check collections, and expedite funds availability for customers than it was over 15 years ago when Congress first directed the Board to consider establishing such a process.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To facilitate check truncation by authorizing substitute checks.

(2) To foster innovation in the check collection system without mandating receipt of checks in electronic form.

(3) To improve the overall efficiency of the Nation's payments system.

SEC. 3. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) ACCOUNT.—The term ''account'' means a deposit account at a bank.

(2) BANK.—The term ''bank'' means any person that is located in a State and engaged in the business of banking and includes—

(A) any depository institution (as defined in section 19(b)(1)(A) of the Federal Reserve Act);

(B) any Federal reserve bank;

(C) any Federal home loan bank; or

(D) to the extent it acts as a payor—

(i) the Treasury of the United States;

(ii) the United States Postal Service;

(iii) a State government; or

(iv) a unit of general local government (as defined in section 602(24) of the Expedited Funds Availability Act).

(3) BANKING TERMS.—

(A) COLLECTING BANK.—The term ''collecting bank'' means any bank handling a check for collection except the paying bank.

(B) DEPOSITARY BANK.—The term ''depositary bank'' means—

(i) the first bank to which a check is transferred, even if such bank is also the paying bank or the payee; or

(ii) a bank to which a check is transferred for deposit in an account at such bank, even if the check is physically received and indorsed first by another bank.

(C) PAYING BANK.—The term ''paying bank'' means—

(i) the bank by which a check is payable, unless the check is payable at or through another bank and is sent to the other bank for payment or collection; or

(ii) the bank at or through which a check is payable and to which the check is sent for payment or collection.

(D) RETURNING BANK.—

(i) IN GENERAL.—The term ''returning bank'' means a bank (other than the paying or depositary bank) handling a returned check or notice in lieu of return.

(ii) TREATMENT AS COLLECTING BANK.—No provision of this Act shall be construed as affecting the treatment of a returning bank as a collecting bank for purposes of section 4–202(b) of the Uniform Commercial Code.

(4) BOARD.—The term ''Board'' means the Board of Governors of the Federal Reserve System.

(5) BUSINESS DAY.—The term ''business day'' has the same meaning as in section 602(3) of the Expedited Funds Availability Act.

(6) CHECK.—The term ''check''—

(A) means a draft, payable on demand and drawn on or payable through or at an office of a bank, whether or not negotiable, that is handled for forward collection or return, including a substitute check and a travelers check; and

(B) does not include a noncash item or an item payable in a medium other than United States dollars.

(7) CONSUMER.—The term ''consumer'' means an individual who—

(A) with respect to a check handled for forward collection, draws the check on a consumer account; or

(B) with respect to a check handled for return, deposits the check into, or cashes the check against, a consumer account.

(8) CONSUMER ACCOUNT.—The term ''consumer account'' has the same meaning as in section 602(10) of the Expedited Funds Availability Act.

(9) CUSTOMER.—The term ''customer'' means a person having an account with a bank.

(10) FORWARD COLLECTION.—The term ''forward collection'' means the transfer by a bank of a check to a collecting bank for settlement or the paying bank for payment.

(11) INDEMNIFYING BANK.—The term ''indemnifying bank'' means a bank that is providing an indemnity under section 6 with respect to a substitute check.

(12) MICR LINE.—The terms ''MICR line'' and ''magnetic ink character recognition line'' mean the numbers, which may include the bank routing number, account number, check number, check amount, and other information, that are printed near the bottom of a check in magnetic ink in accordance with generally applicable industry standards.

(13) NONCASH ITEM.—The term ''noncash item'' has the same meaning as in section 602(14) of the Expedited Funds Availability Act.

(14) PERSON.—The term ''person'' means a natural person, corporation, unincorporated company, partnership, government unit or instrumentality, trust, or any other entity or organization.

(15) RECONVERTING BANK.—The term ''reconverting bank'' means—

(A) the bank that creates a substitute check; or

(B) if a substitute check is created by a person other than a bank, the first bank that transfers or presents such substitute check.

(16) SUBSTITUTE CHECK.—The term ''substitute check'' means a paper reproduction of the original check that—

(A) contains an image of the front and back of the original check;

(B) bears a MICR line containing all the information appearing on the MICR line of the original check, except as provided under generally applicable industry standards for substitute checks to facilitate the processing of substitute checks;

(C) conforms, in paper stock, dimension, and otherwise, with generally applicable industry standards for substitute checks; and

(D) is suitable for automated processing in the same manner as the original check.

(17) STATE.—The term ''State'' has the same meaning as in section 3(a) of the Federal Deposit Insurance Act.

(18) TRUNCATE.—The term ''truncate'' means to remove an original paper check from the check collection or return process and send to a recipient, in lieu of such original paper check, a substitute check or, by agreement, information relating to the original check (including data taken from the MICR line of the original check or an electronic image of the original check), whether with or without subsequent delivery of the original paper check.

(19) UNIFORM COMMERCIAL CODE.—The term ''Uniform Commercial Code'' means the Uniform Commercial Code in effect in a State.

(20) OTHER TERMS.—Unless the context requires otherwise, the terms not defined in this section shall have the same meanings as in the Uniform Commercial Code.

SEC. 4. GENERAL PROVISIONS GOVERNING SUBSTITUTE CHECKS.

(a) NO AGREEMENT REQUIRED.—A person may deposit, present, or send for collection or return a substitute check without an agreement with the recipient, so long as a bank has made the warranties in section 5 with respect to such substitute check.

(b) LEGAL EQUIVALENCE.—A substitute check shall be the legal equivalent of the original check for all purposes, including any provision of any Federal or State law, and for all persons if the substitute check—

(1) accurately represents all of the information on the front and back of the original check as of the time the original check was truncated; and

(2) bears the legend: ''This is a legal copy of your check. You can use it the same way you would use the original check.''.

(c) ENDORSEMENTS.—A bank shall ensure that the substitute check for which the bank is the reconverting bank bears all endorsements applied by parties that previously handled the check (whether in electronic form or in the form of the original paper check or a substitute check) for forward collection or return.

(d) IDENTIFICATION OF RECONVERTING BANK.—A bank shall identify itself as a reconverting bank on any substitute check for which the bank is a reconverting bank so as to preserve any previous reconverting bank identifications in conformance with generally applicable industry standards.

(e) APPLICABLE LAW.—A substitute check that is the legal equivalent of the original check under subsection (b) shall be subject to any provision, including any provision relating to the protection of customers, of part 229 of title 12 of the Code of Federal Regulations, the Uniform Commercial Code, and any other applicable Federal or State law as if such substitute check were the original check, to the extent such provision of law is not inconsistent with this Act.

SEC. 5. SUBSTITUTE CHECK WARRANTIES.

A bank that transfers, presents, or returns a substitute check and receives consideration for the check warrants, as a matter of law, to the transferee, any subsequent collecting or returning bank, the depositary bank, the drawee, the drawer, the payee, the depositor, and any endorser (regardless of whether the warrantee receives the substitute check or another paper or electronic form of the substitute check or original check) that—

(1) the substitute check meets all the requirements for legal equivalence under section 4(b); and

(2) no depositary bank, drawee, drawer, or endorser will receive presentment or return of the substitute check, the original check, or a copy or other paper or electronic version of the substitute check or original check such that the bank, drawee, drawer, or endorser will be asked to make a payment based on a check that the

bank, drawee, drawer, or endorser has already paid.

SEC. 6. INDEMNITY.

(a) INDEMNITY.—A reconverting bank and each bank that subsequently transfers, presents, or returns a substitute check in any electronic or paper form, and receives consideration for such transfer, presentment, or return shall indemnify the transferee, any subsequent collecting or returning bank, the depositary bank, the drawee, the drawer, the payee, the depositor, and any endorser, up to the amount described in subsections (b) and (c), as applicable, to the extent of any loss incurred by any recipient of a substitute check if that loss occurred due to the receipt of a substitute check instead of the original check.

(b) INDEMNITY AMOUNT.—

(1) AMOUNT IN EVENT OF BREACH OF WARRANTY.—The amount of the indemnity under subsection (a) shall be the amount of any loss (including costs and reasonable attorney's fees and other expenses of representation) proximately caused by a breach of a warranty provided under section 5.

(2) AMOUNT IN ABSENCE OF BREACH OF WARRANTY.—In the absence of a breach of a warranty provided under section 5, the amount of the indemnity under subsection (a) shall be the sum of—

(A) the amount of any loss, up to the amount of the substitute check; and

(B) interest and expenses (including costs and reasonable attorney's fees and other expenses of representation).

(c) COMPARATIVE NEGLIGENCE.—

(1) IN GENERAL.—If a loss described in subsection (a) results in whole or in part from the negligence or failure to act in good faith on the part of an indemnified party, then that party's indemnification under this section shall be reduced in proportion to the amount of negligence or bad faith attributable to that party.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection reduces the rights of a consumer or any other person under the Uniform Commercial Code or other applicable provision of Federal or State law.

(d) EFFECT OF PRODUCING ORIGINAL CHECK OR COPY.—

(1) IN GENERAL.—If the indemnifying bank produces the original check or a copy of the original check (including an image or a substitute check) that accurately represents all of the information on the front and back of the original check (as of the time the original check was truncated) or is otherwise sufficient to determine whether or not a claim is valid, the indemnifying bank shall—

(A) be liable under this section only for losses covered by the indemnity that are incurred up to the time that the original check or copy is provided to the indemnified party; and

(B) have a right to the return of any funds it has paid under the indemnity in excess of those losses.

(2) COORDINATION OF INDEMNITY WITH IMPLIED WARRANTY.—The production of the original check, a substitute check, or a copy under paragraph (1) by an indemnifying bank shall not absolve the bank from any liability on a warranty established under this Act or any other provision of law.

(e) SUBROGATION OF RIGHTS.—

(1) IN GENERAL.—Each indemnifying bank shall be subrogated to the rights of any indemnified party to the extent of the indemnity.

(2) RECOVERY UNDER WARRANTY.—A bank that indemnifies a party under this section may attempt to recover from another party based on a warranty or other claim.

(3) DUTY OF INDEMNIFIED PARTY.—Each indemnified party shall have a duty to comply with all reasonable requests for assistance from an indemnifying bank in connection with any claim the indemnifying bank brings against a warrantor or other party related to a check that forms the basis for the indemnification.

SEC. 7. EXPEDITED RECREDIT FOR CONSUMERS.

(a) RECREDIT CLAIMS.—

(1) IN GENERAL.—A consumer may make a claim for expedited recredit from the bank that holds the account of the consumer with respect to a substitute check, if the consumer asserts in good faith that—

(A) the bank charged the consumer's account for a substitute check that was provided to the consumer;

(B) either—

(i) the check was not properly charged to the consumer's account; or

(ii) the consumer has a warranty claim with respect to such substitute check;

(C) the consumer suffered a resulting loss; and

(D) the production of the original check or a better copy of the original check is necessary to determine the validity of any claim described in subparagraph (B).

(2) 40-DAY PERIOD.—Any claim under paragraph (1) with respect to a consumer account may be submitted by a consumer before the end of the 40-day period beginning on the later of—

(A) the date on which the financial institution mails or delivers, by a means agreed to by the consumer, the periodic statement of account for such account which contains information concerning the transaction giving rise to the claim; or

(B) the date on which the substitute check is made available to the consumer.

(3) EXTENSION UNDER EXTENUATING CIRCUMSTANCES.—If the ability of the consumer to submit the claim within the 40-day period under paragraph (2) is delayed due to extenuating circumstances, including extended travel or the illness of the consumer, the 40-day period shall be extended by a reasonable amount of time.

(b) PROCEDURES FOR CLAIMS.—

(1) IN GENERAL.—To make a claim for an expedited recredit under subsection (a) with respect to a substitute check, the consumer shall provide to the bank that holds the account of such consumer—

(A) a description of the claim, including an explanation of—

(i) why the substitute check was not properly charged to the consumer's account; or

(ii) the warranty claim with respect to such check;

(B) a statement that the consumer suffered a loss and an estimate of the amount of the loss;

(C) the reason why production of the original check or a better copy of the original check is necessary to determine the validity of the charge to the consumer's account or the warranty claim; and

(D) sufficient information to identify the substitute check and to investigate the claim.

(2) CLAIM IN WRITING.—

(A) IN GENERAL.—The bank holding the consumer account that is the subject of a claim by the consumer under subsection (a) may, in the discretion of the bank, require the consumer to submit the information required under paragraph (1) in writing.

(B) MEANS OF SUBMISSION.—A bank that requires a submission of information under subparagraph (A) may permit the consumer to make the submission electronically, if the consumer has agreed to communicate with the bank in that manner.

(c) RECREDIT TO CONSUMER.—

(1) CONDITIONS FOR RECREDIT.—The bank shall recredit a consumer account in accordance with paragraph (2) for the amount of a substitute check that was charged against the consumer account if—

(A) a consumer submits a claim to the bank with respect to that substitute check that meets the requirement of subsection (b); and

(B) the bank has not—

(i) provided to the consumer—

(I) the original check; or

(II) a copy of the original check (including an image or a substitute check) that accurately represents all of the information on the front and back of the original check, as of the time at which the original check was truncated; and

(ii) demonstrated to the consumer that the substitute check was properly charged to the consumer account.

(2) TIMING OF RECREDIT.—

(A) IN GENERAL.—The bank shall recredit the consumer's account for the amount described in paragraph (1) no later than the end of the business day following the business day on which the bank determines the consumer's claim is valid.

(B) RECREDIT PENDING INVESTIGATION.—If the bank has not yet determined that the consumer's claim is valid before the end of the 10th business day after the business day on which the consumer submitted the claim, the bank shall recredit the consumer's account for—

(i) the lesser of the amount of the substitute check that was charged against the consumer account, or $2,500, together with interest if the account is an interest-bearing account, no later than the end of such 10th business day; and

(ii) the remaining amount of the substitute check that was charged against the consumer account, if any, together with interest if the account is an interest-bearing account, not later than the 45th calendar day following the business day on which the consumer submits the claim.

(d) AVAILABILITY OF RECREDIT.—

(1) NEXT BUSINESS DAY AVAILABILITY.—Except as provided in paragraph (2), a bank that provides a recredit to a consumer account under subsection (c) shall make the recredited funds available for withdrawal by the consumer by the start of the next business day after the business day on which the bank recredits the consumer's account under subsection (c).

(2) SAFEGUARD EXCEPTIONS.—A bank may delay availability to a consumer of a recredit provided under subsection (c)(2)(B)(i) until the start of either the business day following the business day on which the bank determines that the consumer's claim is valid or the 45th calendar day following the business day on which the consumer submits a claim for such recredit in accordance with subsection (b), whichever is earlier, in any of the following circumstances:

(A) NEW ACCOUNTS.—The claim is made during the 30-day period beginning on the business day the consumer account was established.

(B) REPEATED OVERDRAFTS.—Without regard to the charge that is the subject of the claim for which the recredit was made—

(i) on 6 or more business days during the 6-month period ending on the date on which the consumer submits the claim, the balance in the consumer account was negative or would have become negative if checks or other charges to the account had been paid; or

(ii) on 2 or more business days during such 6-month period, the balance in the consumer account was negative or would have become negative in the amount of $5,000 or more if checks or other charges to the account had been paid.

(C) PREVENTION OF FRAUD LOSSES.—The bank has reasonable cause to believe that the claim is fraudulent, based on facts (other than the fact that the check in question or the consumer is of a particular class) that would cause a well-grounded belief in the mind of a reasonable person that the claim is fraudulent.

(3) OVERDRAFT FEES.—No bank that, in accordance with paragraph (2), delays the availability of a recredit under subsection (c) to any consumer account may impose any overdraft fees with respect to drafts drawn by the consumer on such recredited amount before the end of the 5-day period beginning on the date notice of the delay in the availability of such amount is sent by the bank to the consumer.

(e) REVERSAL OF RECREDIT.—A bank may reverse a recredit to a consumer account if the bank—

(1) determines that a substitute check for which the bank recredited a consumer account under subsection (c) was in fact properly charged to the consumer account; and

(2) notifies the consumer in accordance with subsection (f)(3).

(f) NOTICE TO CONSUMER.—

(1) NOTICE IF CONSUMER CLAIM NOT VALID.—If a bank determines that a substitute check subject to the consumer's claim was in fact properly charged to the consumer's account, the bank shall send to the consumer, no later than the business day following the business day on which the bank makes a determination—

(A) the original check or a copy of the original check (including an image or a substitute check) that—

(i) accurately represents all of the information on the front and back of the original check (as of the time the original check was truncated); or

(ii) is otherwise sufficient to determine whether or not the consumer's claim is valid; and

(B) an explanation of the basis for the determination by the bank that the substitute check was properly charged, including a statement that the consumer may request copies of any information or documents on which the bank relied in making the determination.

(2) NOTICE OF RECREDIT.—If a bank recredits a consumer account under subsection (c), the bank shall send to the consumer, no later than the business day following the business day on which the bank makes the recredit, a notice of—

(A) the amount of the recredit; and

(B) the date the recredited funds will be available for withdrawal.

(3) NOTICE OF REVERSAL OF RECREDIT.—In addition to the notice required under paragraph (1), if a bank reverses a recredited amount under subsection (e), the bank shall send to the consumer, no later than the business day following the business day on which the bank reverses the recredit, a notice of—

(A) the amount of the reversal; and

(B) the date the recredit was reversed.

(4) MODE OF DELIVERY.—A notice described in this subsection shall be delivered by United States mail or by any other means through which the consumer has agreed to receive account information.

(g) OTHER CLAIMS NOT AFFECTED.—Providing a recredit in accordance with this section shall not absolve the bank from liability for a claim made under any other law, such as a claim for wrongful dishonor under the Uniform Commercial Code, or from liability for additional damages under section 6 or 10.

(h) CLARIFICATION CONCERNING CONSUMER POSSESSION.—A consumer who was provided a substitute check may make a claim for an expedited recredit under this section with regard to a transaction involving the substitute check whether or not the consumer is in possession of the substitute check.

(i) SCOPE OF APPLICATION.—This section shall only apply to customers who are consumers.

SEC. 8. EXPEDITED RECREDIT PROCEDURES FOR BANKS.

(a) RECREDIT CLAIMS.—

(1) IN GENERAL.—A bank may make a claim against an indemnifying bank for expedited recredit for which that bank is indemnified if—

(A) the claimant bank (or a bank that the claimant bank has indemnified) has received a claim for expedited recredit from a consumer under section 7 with respect to a substitute check or would have been subject to such a claim had the consumer's account been charged;

(B) the claimant bank has suffered a resulting loss or is obligated to recredit a consumer account under section 7 with respect to such substitute check; and

(C) production of the original check, another substitute check, or a better copy of the original check is necessary to determine the validity of the charge to the customer account or any warranty claim connected with such substitute check.

(2) 120-DAY PERIOD.—Any claim under paragraph (1) may be submitted by the claimant bank to an indemnifying bank before the end of the 120-day beginning on the date of the transaction that gave rise to the claim.

(b) PROCEDURES FOR CLAIMS.—

(1) IN GENERAL.—To make a claim under subsection (a) for an expedited recredit relating to a substitute check, the claimant bank shall send to the indemnifying bank—

(A) a description of—

(i) the claim, including an explanation of why the substitute check cannot be properly charged to the consumer account; or

(ii) the warranty claim;

(B) a statement that the claimant bank has suffered a loss or is obligated to recredit the consumer's account under section 7, together with an estimate of the amount of the loss or recredit;

(C) the reason why production of the original check, another substitute check, or a better copy of the original check is necessary to determine the validity of the charge to the consumer account or the warranty claim; and

(D) information sufficient for the indemnifying bank to identify the substitute check and to investigate the claim.

(2) REQUIREMENTS RELATING TO COPIES OF SUBSTITUTE CHECKS.—If the information submitted by a claimant bank pursuant to paragraph (1) in connection with a claim for an expedited recredit includes a copy of any substitute check for which any such claim is made, the claimant bank shall take reasonable steps to ensure that any such copy cannot be—

(A) mistaken for the legal equivalent of the check under section 4(b); or

(B) sent or handled by any bank, including the indemnifying bank, as a forward collection or returned check.

(3) CLAIM IN WRITING.—

(A) IN GENERAL.—An indemnifying bank may, in the discretion of the bank, require the claimant bank to submit the information required by paragraph (1) in writing, including a copy of the written or electronically submitted claim, if any, that the consumer provided in accordance with section 7(b).

(B) MEANS OF SUBMISSION.—An indemnifying bank that requires a submission of information under subparagraph (A) may permit the claimant bank to make the submission electronically, if the claimant bank has agreed to communicate with the indemnifying bank in that manner.

(c) RECREDIT BY INDEMNIFYING BANK.—

(1) PROMPT ACTION REQUIRED.—No later than 10 business days after the business day on which an indemnifying bank receives a claim under subsection (a) from a claimant bank with respect to a substitute check, the indemnifying bank shall—

(A) provide, to the claimant bank, the original check (with respect to such substitute check) or a copy of the original check (including an image or a substitute check) that—

(i) accurately represents all of the information on the front and back of the original check (as of the time the original check was truncated); or

(ii) is otherwise sufficient to determine the bank's claim is not valid; and

(B) recredit the claimant bank for the amount of the claim up to the amount of the substitute check, plus interest if applicable; or

(C) provide information to the claimant bank as to why the indemnifying bank is not obligated to comply with subparagraph (A) or (B).

(2) RECREDIT DOES NOT ABROGATE OTHER LIABILITIES.—Providing a recredit under this subsection to a claimant bank with respect to a substitute check shall not absolve the indemnifying bank from liability for claims brought under any other law or from additional damages under section 6 or 10 with respect to such check.

(3) REFUND TO INDEMNIFYING BANK.—If a claimant bank reverses, in accordance with section 7(e), a recredit previously made to a consumer account under section 7(c), or otherwise receives a credit or recredit with regard to such substitute check, the claimant bank shall promptly refund to any indemnifying bank any amount previously advanced by the indemnifying bank in connection with such substitute check.

(d) PRODUCTION OF ORIGINAL CHECK OR A SUFFICIENT COPY GOVERNED BY SECTION 6(d).—If the indemnifying bank provides the claimant bank with the original check or a copy of the original check (including an image or a substitute check) under subsection (c)(1)(A), section 6(d) shall govern any right of the indemnifying bank to any repayment of any funds the indemnifying bank has recredited to the claimant bank pursuant to subsection (c).

SEC. 9. DELAYS IN AN EMERGENCY.

A delay by a bank beyond the time limits prescribed or permitted by this Act shall be excused if the delay is caused by interruption of communication or computer facilities, suspension of payments by another bank, war, emergency conditions, failure of equipment, or other circumstances beyond the control of a bank and if the bank uses such diligence as the circumstances require.

SEC. 10. MEASURE OF DAMAGES.

(a) LIABILITY.—

(1) IN GENERAL.—Except as provided in section 6, any person who, in connection with a substitute check, breaches any warranty under this Act or fails to comply with any requirement imposed by, or regulation prescribed pursuant to, this Act with respect to any other person shall be liable to such person in an amount equal to the sum of—

(A) the lesser of—

(i) the amount of the loss suffered by the other person as a result of the breach or failure; or

(ii) the amount of the substitute check; and

(B) interest and expenses (including costs and reasonable attorney's fees and other expenses of representation) related to the substitute check.

(2) OFFSET OF RECREDITS.—The amount of damages any person receives under paragraph (1), if any, shall be reduced by the amount, if any, that the claimant receives and retains as a recredit under section 7 or 8.

(b) COMPARATIVE NEGLIGENCE.—

(1) IN GENERAL.—If a person incurs damages that resulted in whole or in part from the negligence or failure of that person to act in good faith, then the amount of any liability due to that person under subsection (a) shall be reduced in proportion to the amount of negligence or bad faith attributable to that person.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection reduces the rights of a consumer or any other person under the Uniform Commercial Code or other applicable provision of Federal or State law.

SEC. 11. STATUTE OF LIMITATIONS AND NOTICE OF CLAIM.

(a) ACTIONS UNDER THIS ACT.—

(1) IN GENERAL.—An action to enforce a claim under this Act may be brought in any United States district court, or in any other court of competent jurisdiction, before the end of the 1-year period beginning on the date the cause of action accrues.

(2) ACCRUAL.—A cause of action accrues as of the date the injured party first learns, or by which such person reasonably should have learned, of the facts and circumstances giving rise to the cause of action.

(b) DISCHARGE OF CLAIMS.—Except as provided in subsection (c), unless a person gives notice of a claim to the indemnifying or warranting bank within 30 days after the person has reason to know of the claim and the identity of the indemnifying or warranting bank, the indemnifying or warranting bank is discharged from liability in an action to enforce a claim under this Act to the extent of any loss caused by the delay in giving notice of the claim.

(c) NOTICE OF CLAIM BY CONSUMER.—A timely claim by a consumer under section 7 for expedited recredit constitutes timely notice of a claim by the consumer for purposes of subsection (b).

SEC. 12. CONSUMER AWARENESS.

(a) IN GENERAL.—Each bank shall provide, in accordance with subsection (b), a brief notice about substitute checks that describes—

(1) how a substitute check is the legal equivalent of an original check for all purposes, including any provision of any Federal or State law, and for all persons, if the substitute check—

(A) accurately represents all of the information on the front and back of the original check as of the time at which the original check was truncated; and

(B) bears the legend: 'This is a legal copy of your check. You can use it in the same way you would use the original check.'; and

(2) the consumer recredit rights established under section 7 when a consumer believes in good faith that a substitute check was not properly charged to the account of the consumer.

(b) DISTRIBUTION.—

(1) EXISTING CUSTOMERS.—With respect to consumers who are customers of a bank on the effective date of this Act and who receive original checks or substitute checks, a bank shall provide the notice described in subsection (a) to each such consumer no later than the first regularly scheduled communication with the consumer after the effective date of this Act.

(2) NEW ACCOUNT HOLDERS.—A bank shall provide the notice described in subsection (a) to each consumer who will receive original checks or substitute checks, other than existing customers referred to in paragraph (1), at the time at which the customer relationship is initiated.

(3) MODE OF DELIVERY.—A bank may send the notices required by this subsection by United States mail or by any other means through which the consumer has agreed to receive account information.

(4) CONSUMERS WHO REQUEST COPIES OF CHECKS.—Notice shall be provided to each consumer of the bank that requests a copy of a check and receives a substitute check, at the time of the request.

(c) MODEL LANGUAGE.—

(1) IN GENERAL.—Before the end of the 9-month period beginning on the date of the enactment of this Act, the Board shall publish model forms and clauses that a bank may use to describe each of the elements required by subsection (a).

(2) SAFE HARBOR.—

(A) IN GENERAL.—A bank shall be treated as being in compliance with the requirements of subsection (a) if the bank's substitute check notice uses a model form or clause published by the Board and such model form or clause accurately describes the bank's policies and practices.

(B) DELETION OR REARRANGEMENT.—A bank may delete any information in the model form or clause that is not required by this Act or rearrange the format.

(3) USE OF MODEL LANGUAGE NOT REQUIRED.—This section shall not be construed as requiring any bank to use a model form or clause that the Board prepares under this subsection.

SEC. 13. EFFECT ON OTHER LAW.

This Act shall supersede any provision of Federal or State law, including the Uniform Commercial Code, that is inconsistent with this Act, but only to the extent of the inconsistency.

SEC. 14. VARIATION BY AGREEMENT.

(a) SECTION 8.—Any provision of section 8 may be varied by agreement of the banks involved.

(b) NO OTHER PROVISIONS MAY BE VARIED.—Except as provided in subsection (a), no provision of this Act may be varied by agreement of any person or persons.

SEC. 15. REGULATIONS.

The Board may prescribe such regulations as the Board determines to be necessary to implement, prevent circumvention or evasion of, or facilitate compliance with the provisions of this Act.

SEC. 16. STUDY AND REPORT ON FUNDS AVAILABILITY.

(a) STUDY.—In order to evaluate the implementation and the impact of this Act, the Board shall conduct a study of—

(1) the percentage of total checks cleared in which the paper check is not returned to the paying bank;

(2) the extent to which banks make funds available to consumers for local and nonlocal checks prior to the expiration of maximum hold periods;

(3) the length of time within which depositary banks learn of the nonpayment of local and nonlocal checks;

(4) the increase or decrease in check-related losses over the study period; and

(5) the appropriateness of the time periods and amount limits applicable under sections 603 and 604 of the Expedited Funds Availability Act, as in effect on the date of enactment of this Act.

(b) REPORT TO CONGRESS.—Before the end of the 30-month period beginning on the effective date of this Act, the Board shall submit a report to the Congress containing the results of the study conducted under this section, together with recommendations for legislative action.

SEC. 17. STATISTICAL REPORTING OF COSTS AND REVENUES FOR TRANSPORTING CHECKS BETWEEN RESERVE BANKS.

In the annual report prepared by the Board for the first full calendar year after the date of enactment of this Act and in each of the 9 subsequent annual reports by the Board, the Board shall include the amount of operating costs attributable to, and an estimate of the Federal Reserve banks' imputed revenues derived from, the transportation of commercial checks between Federal Reserve bank check processing centers.

SEC. 18. EVALUATION AND REPORT BY THE COMPTROLLER GENERAL.

(a) STUDY.—During the 5-year period beginning on the date of the enactment of this Act, the Comptroller General of the United States shall evaluate the implementation and administration of this Act, including—

(1) an estimate of the gains in economic efficiency made possible from check truncation;

(2) an evaluation of the benefits accruing to consumers and financial institutions from reduced transportation costs, longer hours for accepting deposits for credit within 1 business day, the impact of fraud losses, and an estimate of consumers' share of the total benefits derived from this Act; and

(3) an assessment of consumer acceptance of the check truncation process resulting from this Act, as well as any new costs incurred by consumers who had their original checks returned with their regular monthly statements prior to the date of enactment of this Act.

(b) REPORT TO CONGRESS.—Before the end of the 5-year period referred to in subsection (a), the Comptroller General shall submit a report to the Congress containing the findings and conclusions of the Comptroller General in connection with the evaluation conducted pursuant to subsection (a), together with such recommendations for legislative and administrative action as the Comptroller General may determine to be appropriate.

SEC. 19. DEPOSITARY SERVICES EFFICIENCY AND COST REDUCTION.

(a) FINDINGS.—The Congress finds as follows:

(1) The Secretary of the Treasury has long compensated financial institutions for various critical depositary and financial agency services provided for or on behalf of the United States by—

(A) placing large balances, commonly referred to as ''compensating balances'', on deposit at such institutions; and

(B) using imputed interest on such funds to offset charges for the various depositary and financial agency services provided to or on behalf of the Government.

(2) As a result of sharp declines in interest rates over the last few years to record low levels, or the public debt outstanding reaching the statutory debt limit, the Department of the Treasury often has had to dramatically increase or decrease the size of the compensating balances on deposit at these financial institutions.

(3) The fluctuation of the compensating balances, and the necessary pledging of collateral by financial institutions to secure the value of compensating balances placed with those institutions, have created unintended financial uncertainty for the Secretary of the Treasury and for the management by financial institutions of their cash and securities.

(4) It is imperative that the process for providing financial services to the Government be transparent, and provide the information necessary for the Congress to effectively exercise its appropriation and oversight responsibilities.

(5) The use of direct payment for services rendered would strengthen cash and debt management responsibilities of the Secretary of the Treasury because the Secretary would no longer need to dramatically increase or decrease the level of such balances when interest rates fluctuate sharply or when the public debt outstanding reaches the statutory debt limit.

(6) An alternative to the use of compensating balances, such as direct payments to financial institutions, would ensure that payments to financial institutions for the services they provide would be made in a more predictable manner and could result in cost savings.

(7) Limiting the use of compensating balances could result in a more direct and cost-efficient method of obtaining those services currently provided under compensating balance arrangements.

(8) A transition from the use of compensating balances to another compensation method must be carefully managed to prevent higher-than-necessary transitional costs and enable participating financial institutions to modify their planned investment of cash and securities.

(b) AUTHORIZATION OF APPROPRIATIONS FOR SERVICES RENDERED BY DEPOSITARIES AND FINANCIAL AGENCIES OF THE UNITED STATES.—There are authorized to be appropriated for fiscal years beginning after fiscal year 2003 to the Secretary of the Treasury such sums as may be necessary for reimbursing financial institutions in their capacity as depositaries and financial agents of the United States for all services required or directed by the Secretary of the Treasury, or a designee of the Secretary, to be performed by such financial institutions on behalf of the Secretary of the Treasury or another Federal agency, including services rendered before fiscal year 2004.

(c) ORDERLY TRANSITION.—

(1) IN GENERAL.—As appropriations authorized in subsection (b) become available, the Secretary of the Treasury shall promptly begin the process of phasing in the use of the appropriations to pay financial institutions serving as depositaries and financial agents of the United States, and transitioning from the use of compensating balances to fund these services.

(2) POST-TRANSITION USE LIMITED TO EXTRAORDINARY CIRCUMSTANCES.—

(A) IN GENERAL.—Following the transition to the use of the appropriations authorized in subsection (b), the Secretary of the Treasury may use the compensating balances to pay financial institutions serving as depositaries and financial agents of the United States only in extraordinary situations where the Secretary determines that they are needed to ensure the fiscal operations of the Government continue to function in an efficient and effective manner.

(B) REPORT.—Any use of compensating balances pursuant to subparagraph (A) shall promptly be reported by the Secretary of the Treasury to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(3) REQUIREMENTS FOR ORDERLY TRANSITION.—In transitioning to the use of the appropriations authorized in subsection (b), the Secretary of the Treasury shall take such steps as may be appropriate to—

(A) prevent abrupt financial disruption to the functions of the Department of the Treasury or to the participating financial institutions; and

(B) maintain adequate accounting and management controls to ensure that payments to financial institutions for their banking services provided to the Government as depositaries and financial agents are accurate and that the arrangements last no longer than is necessary.

(4) REPORTS REQUIRED.—

(A) ANNUAL REPORT.—

(i) IN GENERAL.—For each fiscal year, the Secretary of the Treasury shall submit a report to the Congress on the use of compensating balances and on the use of appropriations authorized in subsection (b) during that fiscal year.

(ii) INCLUSION IN BUDGET.—The report required under clause (i) may be submitted as part of the budget submitted by the President under section 1105 of the title 31, United States Code, for the following fiscal year and if so, the report shall be submitted concurrently to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(B) FINAL REPORT FOLLOWING TRANSITION.—

(i) IN GENERAL.—Following completion of the transition from the use of compensating balances to the use of the appropriations authorized in subsection (b) to pay financial institutions for their services as depositaries and financial agents of the United States, the Secretary of the Treasury shall submit a report on the transition to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(ii) CONTENTS OF REPORT.—The report submitted under clause (i) shall include a detailed analysis of—

(I) the cost of transition;

(II) the direct costs of the services being paid from the appropriations authorized in subsection (b); and

(III) the benefits realized from the use of direct payment for such services, rather than the use of compensating balance arrangements.

(d) TECHNICAL AMENDMENT.—The 2d undesignated paragraph of section 16 of the Federal Reserve Act (12 U.S.C. 412) is amended—

(1) in the 3d sentence, by inserting ''or any other asset of a Federal reserve bank'' before the period at the end; and

(2) in the last sentence, by inserting '', or are otherwise held by or on behalf of,'' after ''in the vaults of''.

(e) EFFECTIVE DATE.—Notwithstanding section 20, this section shall take effect on the date of the enactment of this Act.

SEC. 20. EFFECTIVE DATE.

This Act shall take effect at the end of the 12-month period beginning on the date of the enactment of this Act, except as otherwise specifically provided in this Act.

And the Senate agree to the same.

For consideration of the House bill and the Senate amendment, and modifications committed to conference:

MICHAEL G. OXLEY,
SPENCER BACHUS,
STEVEN C. LATOURETTE,
MELISSA A. HART,
PATRICK J. TIBERI,
BARNEY FRANK,
HAROLD E. FORD, Jr.,
Managers on the Part of the House.

RICHARD C. SHELBY,
ROBERT F. BENNETT,
WAYNE ALLARD,
PAUL S. SARBANES,
TIM JOHNSON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1474), to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment.

The Managers on the part of the House and the Senate met on October 1, 2003 (the House chairing), and reconciled the differences between the House bill and the Senate amendment.

The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SHORT TITLE; TABLE OF CONTENTS; FINDINGS AND PURPOSES

House Bill

Section 1 of the House bill establishes the short title of the bill, the ''Check Clearing for the 21st Century Act,'' or the ''Check 21 Act'', and provides the findings and purposes of the legislation.

Senate Amendment

Section 1 of the Senate amendment provides the short title of the bill, the ''Check Truncation Act of 2003'', and a table of contents. Section 2 of the Senate amendment also provides the findings and purposes of the legislation.

Conference Agreement

The Senate recedes to the House.

DEFINITIONS

House Bill

Section 2 of the House bill defines certain terms, including ''substitute check,'' ''reconverting bank,'' ''collecting bank,'' ''depositary bank,'' ''claimant bank,'' and ''truncate.''

Senate Amendment

Section 3 of the Senate amendment defines certain terms, including ''indemnifying bank'', ''MICR line'', ''reconverting bank'', ''truncate'' and ''substitute check''.

Conference Agreement

The House recedes to the Senate with an amendment removing the definition of ''claimant bank''.

GENERAL PROVISIONS GOVERNING SUBSTITUTE CHECKS

House Bill

Section 3 of the House bill allows a person to deposit, present, or send for collection or return a substitute check without an agreement with the recipient. This section mandates that a substitute check have the legal equivalence of an original check if the substitute check: (i) accurately represents all of the information on the front and back of the original check at the time the original check was truncated; and (ii) contains the legend ''this is a copy of your check. You can use it the same way you would use the original check.''

The reconverting bank must ensure that the substitute check bears all the endorsements applied by all of the parties that previously handled the check and must identify itself as the reconverting bank.

Senate Amendment

Section 4 of the Senate amendment allows a person to deposit, present or send for collection or return a substitute check without an agreement with the recipient. This section mandates that a substitute check have the legal equivalence of an original check if the substitute check: (i) accurately represents all of the information on the front and back of the original check at the time the original check was truncated; and (ii) contains the legend ''this is a copy of your check. You can use it the same way you would use the original check.''

The reconverting bank must ensure that the substitute check bears all the endorsements applied by all of the parties that previously handled the check and shall identify itself as the reconverting bank.

Conference Agreement

This provision is not in disagreement.

SUBSTITUTE CHECK WARRANTIES

House Bill

Section 4 of the House bill provides that a bank that transfers, presents or returns a substitute check and receives consideration for the check is deemed to have warranted that the substitute check meets all requirements for legal equivalence and that no entity will be asked to make a payment on a check already paid.

Senate Amendment

Section 5 of the Senate amendment states that a bank that transfers, presents or returns a substitute check and receives consideration for the check is deemed to have warranted that the substitute check meets all requirements for legal equivalence and that no entity will be asked to make a payment on a check already paid.

Conference Agreement

This provision is not in disagreement.

INDEMNITY

House Bill

Section 5 of the House bill grants an indemnity to the transferee by a reconverting bank and each bank that subsequently transfers, presents or returns a substitute check and receives consideration for the transfer, presentment, or return up to either the amount of the loss proximately caused by the breach of the warranty provided in section 4 or, in the absence of such a breach, the amount of any loss up to the amount of the substitute check plus any interest or expenses.

This section also allows for comparative negligence if a loss results in whole or in part from the negligence or failure to act in good faith on the part of the indemnified party, reducing that party's indemnification by the amount of negligence or bad faith.

Senate Amendment

Section 6 of the Senate amendment bill grants an indemnity to the transferee by a reconverting bank and each bank that subsequently transfers, presents or returns a substitute check and receives consideration for such transfer, presentment or return up to either the amount of the loss proximately caused by the breach of the warranty provided in section 4 or, in the absence of such a breach, the amount of any loss up to the amount of the substitute check plus any interest or expenses.

This section also allows for comparative negligence if a loss results in whole or in part from the negligence or failure to act in good faith on the part of the indemnified party, reducing that party's indemnification by the amount of negligence or bad faith. Section 6(c)(2) of this section states that nothing in the comparative negligence provisions of section 6(c)(1) reduces consumer's rights under other laws.

Conference Agreement

The House recedes to the Senate.

EXPEDITED RECREDIT FOR CONSUMERS

House Bill

Section 6 of the House bill provides an expedited recredit to a consumer if the consumer asserts that the bank charged the customer's account improperly or the customer has a warranty claim with respect to the substitute check. The customer must show that they suffered a loss and that the production of the original or a better copy of the original is necessary to determine the validity of any claim. This claim must be made within 30 days after receiving their periodic statement and may have an additional 30 days to file a claim under extenuating circumstances. According to this section, if the bank has not determined if the claim is valid within 10 business days, the bank must recredit the lesser of the amount charged, or $2,500 with interest and any remaining amount must be recredited within 45 calendar days. Additionally, a consumer does not have to be in possession of the substitute check in order to make a claim.

Senate Amendment

Section 7 of the Senate amendment requires the consumer to make a claim for expedited recredit within 40 days after the bank transmits the periodic statement or receipt of the substitute check, whichever is later. Under extenuating circumstances, including extended travel or illness of the consumer, the bank shall extend the period for a reasonable amount of time.

Section 7(c)(1)(B) requires that banks do not have to provide copies of documentation relied upon in denying an expedited recredit claim. Instead, a bank must provide a statement of right of the consumer to request such documentation.

Conference Agreement

The Conference Agreement consists of the Senate provisions relating to (1) the time period for expedited recredit; (2) the extension of the time period for expedited recredit; and (3) allowing electronic submission of expedited recredit claims. Further, the Conference Agreement provides that, when resolving customer claims, the delivered copy of the original check must read that the check ''accurately represents all the information'' on the original check standard and that the bank does not have to provide copies of documentation relied upon in denying expedited recredit claim. Instead, a bank must provide a statement of the right of the consumer to request such documentation.

The Conference Agreement also adopts the House provision providing that a consumer who receives a substitute check does not need to currently have the substitute check to make a claim for expedited recredit.

EXPEDITED RECREDIT PROCEDURES FOR BANKS

House Bill

Section 7 of the House bill permits a bank to make a claim against an indemnifying bank for an expedited recredit if the claimant's customer has made a claim for recredit, the claimant bank has suffered a loss, and production of the original check, a substitute check or a better copy of the check is necessary to determine the validity of the charge. This claim must be made within 120 days of the transaction. This claim must be in writing and must describe the claim and demonstrate a loss.

Senate Amendment

Section 8 of the Senate amendment permits a bank to make a claim against an indemnifying bank for an expedited recredit if the claimant's customer has made a claim for recredit, the claimant bank has suffered a loss, and production of the original check, a substitute check or a better copy of the check is necessary to determine the validity of the charge. This claim must be made within 120 days of the transaction. This claim must be in writing and must describe the claim and demonstrate a loss.

Conference Agreement

This provision is not in disagreement.

DELAYS IN AN EMERGENCY

House Bill

Section 8 of the House bill permits delays in compliance with the provisions of this legislation if they are caused by circumstances beyond the control of a bank, and if the bank used such diligence as the circumstances require.

Senate Amendment

Section 9 of the Senate amendment permits delays in compliance with the provisions of this legislation if they are caused by circumstances beyond the control of a bank, and if the bank used such diligence as the circumstances require.

Conference Agreement

This provision is not in disagreement.

MEASURE OF DAMAGES

House Bill

Section 9 of the House bill makes persons who breach a warranty or fail to comply with the bill, or regulations under the bill, liable for the lesser of the amount of the loss or the amount of the substitute check plus interest and expenses. This section applies a comparative negligence standard for the determination of damages.

Senate Amendment

Section 10 of the Senate amendment makes persons who breach a warranty or fail to comply with the bill, or regulations under the bill, liable for the lesser of the amount of the loss or the amount of the substitute check plus interest and expenses. This section applies a comparative negligence standard for the determination of damages.

The amendment also provides that nothing in the comparative negligence provision of section 10(b)(1) reduces consumer's rights under other laws.

Conference Agreement

The House recedes to the Senate.

STATUTE OF LIMITATIONS AND NOTICE OF CLAIM

House Bill

Section 10 of the House bill provides for a 1 year statute of limitations from the time that the customer learns of the claim.

Senate Amendment

Section 11 of the Senate amendment provides for a 1 year statute of limitations from the time that the customer learns of the claim.

Conference Agreement

This provision is not in disagreement.

CONSUMER AWARENESS

House Bill

Section 11 of the House bill requires that each bank provide notice to its customers describing the process of check substitution and a description of the consumer recredit provision. This section applies to both new and existing customers.

Senate Amendment

Section 12 of the Senate amendment states that notice to consumers only has to be sent if consumers get their original checks or substitute checks back in their periodic statements.

Banks also must provide notice to customers that request a copy of a check and receive a substitute check from the bank.

Banks must provide customers that receive original checks or substitute checks with a brief informative notice for the first three years that the Act is in effect.

Conference Agreement

The Conference Agreement adopts the House position regarding the permanance of the consumer notice provisions.

The Conference Agreement also merges language from Senate section 12(b)(1)(C) and House section 11(b). The Conference Agreement adopts the Senate provision regarding the 9 month time frame within which the FRB must publish model language and requiring notice to include (i) description of substitute check process; and (ii) description of consumer recredit rights.

EFFECT ON OTHER LAW

House Bill

Section 12 of the House bill supersedes any inconsistent Federal or State laws to the extent of the inconsistency.

Senate Amendment

Section 13 of the Senate amendment supersedes any inconsistent Federal or State laws to the extent of the inconsistency.

Conference Agreement

This provision is not in disagreement.

VARIATION BY AGREEMENT

House Bill

Section 13 of the House bill permits provisions of section 7 to be varied by the banks involved.

Senate Amendment

Section 17 of the Senate amendment permits provisions of section 8 to be varied by the banks involved.

Conference Agreement

The Conference Agreement makes only technical changes related to cross-references and maintains the substance of both provisions.

REGULATIONS

House Bill

Section 14 of the House bill allows the Federal Reserve to write regulations related to the operation of this legislation. Additionally, the Federal Reserve is required to report on the increased speed of check processing and the prices it charges for transportation services.

Senate Amendment

Sections 14 and 15 of the Senate amendment allows the Federal Reserve to regulate the operation of this legislation. However, it differs in the study and monitoring of funds available. The Senate amendment mandates a study of implementation of the Act, including impact on funds availability.

Conference Agreement

The Conference Agreement adopts the Senate provisions regarding the authority of the Federal Reserve to issue regulations as it deems necessary to implement, prevent, circumvent or evasion of, or facilitate compliance with the legislation and the reporting requirements.

The Conferees also agree to a provision which requires the Federal Reserve Board to publish statistical data on costs and revenue related to transporting commercial checks (exclusive of the checks the reserve banks handle as fiscal agents) between Federal Reserve Bank offices by air or ground couriers. In the past, such statistics have been of interest to certain organizations. This provision does not mandate specific methodologies for imputing or estimating revenues. Further, this section does not change the Monetary Control Act's requirement that the Federal Reserve Banks, over the long run, recover the costs of their priced services

or affect the Federal Reserve Board's ability under its pricing principles to determine what constitutes a major service category.

The House recedes to the Senate on a funds availability study.

EVALUATION AND REPORT BY THE COMPTROLLER GENERAL

House Bill

The House bill contains no similar provision.

Senate Amendment

Section 16 of the Senate amendment provides for the Comptroller General of the United States to evaluate the implementation and administration of this bill within 5 years.

Conference Agreement

The House recedes to the Senate.

DEPOSITARY SERVICES EFFICIENCY AND COST REDUCTION

House Bill

The House bill contains no similar provision.

Senate Amendment

The Senate amendment contains no similar provision.

Conference Agreement.

The Conference Agreement includes langue requested by the Department of Treasury which authorizes the Treasury Department to directly compensate financial institutions that provide depositary services to the Federal Government.

Additionally, the Conference Agreement includes language requested by Federal Reserve Board to effect technical changes to the Federal Reserve Act in the way currency is collateralized which will allow for greater liquidity in case of a national emergency.

EFFECTIVE DATE

House Bill

Section 15 establishes the effective date as 18 months after the date of enactment.

Senate Amendment

Section 18 establishes the effective date as 12 months after the date of enactment.

Conference Agreement

The House recedes to the Senate.

For consideration of the House bill and the Senate amendment, and modifications committed to conference:

MICHAEL G. OXLEY,
SPENCER BACHUS,
STEVEN C. LATOURETTE,
MELISSA A. HART,
PATRICK J. TIBERI,
BARNEY FRANKS,
HAROLD E. FORD, JR.,
Managers on the Part of the House.

RICHARD C. SHELBY,
ROBERT F. BENNETT,
WAYNE ALLARD,
PAUL S. SARBANES,
TIM JOHNSON,
Managers on the Part of the Senate.

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

Mr. TOWNS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

(Mrs. MALONEY. addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

CALLING ON REPUBLICAN LEADERSHIP TO BRING H.R. 303, A BILL TO END CONCURRENT RECEIPT, TO THE FLOOR OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentlewoman from California (Ms. WATERS) is recognized for 60 minutes as the designee of the minority leader.

Ms. WATERS. Madam Speaker, I rise this afternoon to talk about an issue of fundamental unfairness which burdens many of our veterans: concurrent receipt. I organized this Special Order to focus attention on the unfairness of the concurrent receipt law and to give Members the opportunity to demand that the Republican leadership bring to the floor H.R. 303, the bill that would end concurrent receipt.

Madam Speaker, today we will hear Democratic Members from districts throughout the Nation call for an end of concurrent receipt. Concurrent receipt is a Civil War-era law that prevents disabled veterans from receiving both military retirement and veterans disability benefits. Under the law, for every dollar that a veteran receives in disability pay, $1 is taken away from their retirement pay. The effect of the concurrent receipt law is to tax a veteran for being injured while serving in the military. This is an extremely unfair burden that we place on our wounded veterans.

Madam Speaker, America's veterans have made huge sacrifices in order to protect our freedoms. We should not repay their sacrifice by denying them the benefits they have earned and deserve. Congress must repeal the concurrent receipt law.

Over the past several years, there has been a strong bipartisan effort to repeal this law. In this Congress, the bill to repeal concurrent receipt, H.R. 303, has 370 cosponsors. The gentleman from Florida (Mr. BILIRAKIS), a longtime Republican Member, is a sponsor of H.R. 303. Madam Speaker, 370 cosponsors is an extraordinary number of cosponsors for any bill. As all of us know, there are few bills introduced in this body that have 370 cosponsors. There are even fewer bills that do not come to the floor for action by Members of the House.

Yet despite this tremendous bipartisan support, the House Republican leadership, as well as the White House, has refused to support this bill. In fact, the Secretary of Defense has said that he would recommend that the President veto any legislation that includes language which would eliminate concurrent receipt. The House Republican leadership continues to ignore the will of the Members, and our constituents, and refuses even to allow H.R. 303 to come to the floor for action.

The opponents of this bill say that it will cost too much money. They cite a study from the Congressional Budget Office which estimates that it would cost the Federal Government $3 billion in fiscal year 2004 to cover the 400,000 eligible veterans. It is incredible that the opponents would offer such a poor excuse for why they refuse even to bring this bill to the floor.

□ 1745

Give me a break.

Mr. Speaker and Members, the Bush administration has spent almost $80 billion in Iraq and Afghanistan and is seeking a supplemental appropriation of $87 billion for the war in Iraq and Iraqi reconstruction. Yet, the administration will not seek the resources required to protect the retirement pay of veterans who had the misfortune of becoming disabled while serving their country. What a cruel, sick joke. These veterans earn their retirement pay, and they deserve both a full retirement benefit and their disability compensation.

We must not walk away from our obligations. How can we put a price on the service that these men and women gave to our country? How can we put a price on going through life without a limb or without the ability to see or hear? They did their job with bravery and dedication. Now, we must do ours. The Federal Government should provide full benefits to veterans who protected our people. Simple fairness and decency requires it.

Because of the opposition of the Republican leadership to this bill, Democrats have had to file a discharge petition in an attempt to bring H.R. 303 to the floor and force consideration of this bill. A successful discharge petition requires 218 signatures. To date, however, even though H.R. 303 has 370 cosponsors, there are only 203 signatures on the discharge petition.

Nearly every Democrat has signed the discharge petition, but only two Republicans have signed. Because of the opposition of the Republican leadership, not even Congressman BILIRAKIS, the sponsor of H.R. 303, has signed the discharge petition.

Mr. Speaker, it is shameful that the Republican leadership has strong-armed their Members into not supporting the discharge petition on H.R. 303 and prevented the Congress from providing this essential relief to our veterans.

The Republican leadership's unfair and outrageous refusal to bring H.R. 303 to the floor for action is harming our veterans and keeping many veterans from obtaining a decent quality of life. Unfortunately, there are hundreds of thousands of veterans suffering under the concurrent receipt law. Because the United States military is committed to missions throughout the world that will result in additional veterans becoming disabled, the number of veterans who will be subjected to this tax will only grow.

Unfortunately, this is only one of the many policies that this administration and the Republican party have adopted which harms our veterans. For example, although it is not uncommon for a

veteran to wait 6 months or more to see a doctor, the Republicans' budget did not provide enough funding to shorten these waiting periods.

Mr. Speaker, it is disappointing to see the President constantly using our veterans for photo-ops, but when it comes to providing the necessary funding to give our veterans a good quality of life, the Republicans are nowhere to be found.

We, Democrats, have another way. We appreciate the sacrifice that all veterans have made and believe that the government must provide the necessary funding for veterans to receive the medical, educational, and other benefits they need and deserve. We particularly appreciate the men and women who were injured while serving their country and believe we should provide them with their full retirement benefits, as well as their full disability compensation.

Mr. Speaker, I urge this body to pass H.R. 303 and help our disabled veterans.

Mr. Speaker, I yield time to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Madam Speaker, I thank the gentlewoman from California (Ms. WATERS) for calling this special order together because it is a very important subject.

Today in Iraq, our Nation is creating more than 130,000 veterans. These future veterans are fulfilling their duty to America in a time of war. We must commit to fulfill our own responsibilities to them in times of peace.

Three hundred and seventy Members of the House of Representatives are on record supporting a concurrent receipt bill to provide full health and retirement benefits for our Nation's veterans, but when the time came to actually bring this important legislation before the House of Representatives for a vote, 201 Democrats and only two Republicans signed their names to bring the bill to the floor of the House. It takes 218 names and signatures in order to force the majority party to bring this issue before us.

Concurrent receipt should not be a Democrat issue, and it should not be a Republican issue. Instead, this is an issue of fulfilling our commitment to those who have proven their commitment to us, to our Nation's veterans. The White House has estimated the health and retirement benefits for our veterans will cost $58 billion over the next 10 years. That is $6 billion a year to support the troops who have sacrificed for this country.

This is the same President that recently came to the Congress requesting $87 billion to pay for our war in Iraq that he announced many months ago had ended. The President's $87 billion supplemental request includes money for museums and memorials in Iraq, radios and phones for Iraqi businesses, and computer training and graduate school for Iraqi citizens. Certainly, we must invest in restoring the stability in a war-torn country, but these programs are not more important than health care for America's veterans.

What kind of message does this sent to our veterans and our troops currently in the field when the President tells them that paying for Iraqis to go to graduate school is more important than paying for veteran's health care? We are talking about men and women who fought for America, who were wounded for America, who have lost friends who have died for America. But when the time comes to pay their health bills, America's purse is shot. This is worse than irresponsible. It is downright dishonorable.

President Bush said last year that every country around the world, and I quote him, ''is either with us or against us,'' unquote. Our veterans deserve to ask the same question. ''Mr. President, are you with America's veterans or against them? Will you fight for them the way they are fighting for you?''

Ms. WATERS. Mr. Speaker, I yield to the gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. Mr. Speaker, I rise today to ask several questions. Why does the Republican leadership in this House want to put an additional tax on our veterans? Why does the Republican leadership in this House oppose eliminating the disabled veterans tax? Why is it okay to eliminate taxes for millionaires in this country, our most privileged, but not eliminate tax for our veterans? Why is that, Mr. Speaker? Why?

Mr. Speaker, as you know, under current law, disabled American veterans who are entitled to military retirement benefits have their retirement benefits reduced dollar for dollar by the amount they receive in disability payments. Now, they earn their military retirement, and they earn disability pay. However, these amounts are all set against each other.

Why does the Republican leadership and the administration support such a situation for our veterans in this country?

Military retirees and veterans with service-connected disabilities are the only Federal employees subject to this offset and are essentially funding their own disability benefits. They are funding their disability with their own money that they earned serving this country. As a result, the disabled veterans tax, that is supported by the administration and the Republican leadership, subjects our Nation's veterans to worse treatment than any other class of Federal retirees, bar none.

The Bush administration contends that allowing military veterans to draw their earned benefits is too costly, and it competes with funding that we need for other very important matters, such as tax cuts for millionaires.

A dollar is a dollar. While the Republican leadership has concluded that devoting $58 billion over 10 years to relieve an unconscionable burden for nearly 700,000 of our Nation's veterans is a budget buster, they see absolutely no problem of giving away approximately $90 billion over that same period to 184,000 people in this country that are making $1 million or more per year. The hypocrisy of that is shocking. It is galling, and it is shameful.

The other body is doing the right thing. In its version of the fiscal year 2004 Defense authorization legislation, the Senate has provided for full and immediate disability payments without any offset from the military retirement benefit to which they are entitled. That is doing the right thing.

Mr. Speaker, we can do the right thing in this House. We can stand up for the veterans against the Republican leadership, Mr. Speaker, and against the administration, and say we are going to do the right thing. We are fighting to pass bipartisan legislation on this side, H.R. 303, the Retired Pay Restoration Act, to help the more than 700,000 disabled veterans who are military retirees.

We believe on this side that it is important that our disabled military retirees receive both the disability pay and retirement pay that they have earned and that they deserve. It is critical for the administration to stop penalizing our disabled veterans at the very time we have our military in harm's way. We have to stop penalizing disabled veterans, if we are going to fulfill our commitment to those who served the country. Let us respect our veterans. Let us do the right thing and give our veterans what they have earned.

Ms. WATERS. Mr. Speaker, I yield to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentlewoman from California (Ms. WATERS) and my colleagues for organizing this very important special order, because I believe the information brought forward in this debate will be of great surprise to most of the people that might happen to listen to this discussion. Certainly, the people I represent in North Dakota, I believe, are largely unaware of the fact that we, essentially, have a disabled veterans tax.

This tax is imposed when you have someone that has earned a military retirement and on the other hand also had a disability payment from service in the military as a result of a service-connected injury resulting in permanent disability. The disabled veterans tax occurs when you have a 100 percent reduction of the retirement benefit by the disability payment receipt.

So let me make it simple. The injured veteran receiving a disability payment would, upon retiring from the military, have their military retirement reduced 100 percent by the amount of the disability payment. Now, if that is not a disabled veterans tax, I do not know what is. And it is completely unacceptable. There is not another classification of Federal employee treated in this fashion. There is

not a civil service employee upon getting their Federal retirement that would have their Federal retirement reduced by their military disability. Only those who have made a career of distinction and honor in serving our military have their retirement reduced 100 percent in the value of the disability benefit received.

We have to change this bill. This is a law that is on the books that is having a pernicious and unfair effect on our veterans. We need to act and we need to act now.

I commend the Republican sponsor of the legislation that wants to address this for bringing this before the Chamber. I am certainly pleased to participate. It ought to be bipartisan, if anything before us should be bipartisan.

□ 1800

Unfortunately, we have seen majority leadership refuse to bring this matter up for a vote. In fact, notwithstanding the very strong support reflected by the number of cosponsors, as reflected by the number of signatures on the discharge petition, we have seen them refuse to allow us for a vote.

Is it not ironic that as we seek to advance this very important relief for our veterans, we are not even allowed a vote on this matter? Our veterans are fighting, have fought, for democracy; our soldiers today are fighting for democracy, and yet when it comes to this important question, the majority leadership is not allowing democracy in this House because they are not allowing us to vote on this proposition.

In order to bust through this deadlock imposed by the majority leadership, we have brought forward a discharge petition which has now been signed by 203 Members of the House, including two Republican Members, all of the Democratic Members and two Republican Members.

I would ask the majority leadership if at least you will not allow us a vote, for goodness sake, discharge your members. Let them vote their conscience by signing a discharge petition and bringing it to the floor over your expressed wishes to the contrary. Let them serve their constituents on this one, not the majority leadership. Let them represent the veterans in their districts that are having their benefits unfairly taxed by the Federal Government.

Finally, if that is too much to ask, if it is too much to ask to bring this to a vote, if it is too much to ask to allow majority leadership to discharge their Members, to sign a discharge petition, then I would say to my friends in the majority, on this one you have to stand with your people irrespective of your leadership. Come up to the well. Sign the discharge petition. You have veterans who are having their retirement benefits reduced and reduced unfairly, reduced for suffering a service-connected disability. This must end.

If your leadership cannot see that, surely you can. And if you have questions about it, all you have to do is ask the veterans organizations so capably representing the veterans in your district. Ask your American Legion commander what he thinks of this matter. Ask the Veterans of Foreign Wars commander what they think of this matter. Ask the Disabled Veterans of America in your district what they think of this matter. That will quickly bring you to the conclusion that it is time for this tax to end. It is time for this House to have some democracy on this question. It is time for us to vote on getting the veterans the relief they need and they so richly deserve.

I thank the gentlewoman for letting me participate in this discussion.

Ms. WATERS. Mr. Speaker, I yield to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I rise today to urge this body to seriously consider our treatment of those who sacrificed nearly everything for our country. I am referring to America's disabled veterans and the archaic law that prevents them from receiving both their retirement pension and disability compensation, two payments that they earned.

Unfortunately, across our Nation, hundreds of thousands of veterans are denied their full retirement pay because we have yet to correct a senseless law passed 112 years ago. In California's 53rd Congressional District, a district that I am very proud to represent, 2,659 disabled veterans collectively lose out on $13 million in VA benefits each year.

Since coming to Congress, I have heard from my veterans and I can tell you many of them struggle to get by each month because our government withholds so much from their pensions. Please understand, Mr. Speaker, we are talking about the brave men and women who sustained the most severe injuries to defend this Nation and to protect our liberties.

Take, for example, a 69-year-old Air Force lieutenant colonel from San Diego who has a 100 percent disability rating from exposure to Agent Orange during the Vietnam War. After 28 years of dedication, he retired only to learn that it was true. His hard-earned retirement pay would be offset dollar for dollar from his disability compensation. This proud veteran wrote me just recently and told me that he has finally given up on this government. He has communicated with his elected leaders about this inequity ever since he retired, and unfortunately, he has been told the same thing over and over again. Do not worry. Legislation is pending. We will pass concurrent receipt soon and take care of this for you.

Well, Mr. Speaker, it has been 17 years since he retired and nothing has been done. It is time to show our disabled veterans that we value the incredible sacrifice they made and are making for us. It is time to repeal the disabled veterans tax and end this mistreatment once and for all.

Right now, this Congress is faced with the ability to finally deliver meaningful concurrent receipt legislation to the President. We need only a few more signatures on the discharge petition to bring the Retired Pay Restoration Act to the House floor. I urge my colleagues to sign this petition and take us a step closer to overturning this inequity.

Mr. Speaker, I thank the gentlewoman for bringing this forward.

Ms. WATERS. Mr. Speaker, I yield to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentlewoman from California (Ms. WATERS) for taking the leadership on this, as she has done on so many issues in this Congress.

I want to add my voice to urge all of our colleagues to listen to the voice of our veterans. Find it in your hearts once and for all, this unjust disabled veterans tax.

A resident of my congressional district, the 51st in California, in San Diego, named Miguel Gonzalez, was wounded in service and declared eligible for VA disability compensation. After retiring from the military, he was also entitled to his retired pay, as every American is entitled to their retired pay. But unlike every other Federal employee, Mr. Speaker, for every dollar that he receives in his disability compensation, he gives back to the government a dollar from his retirement. What an unfair and demoralizing tax on the brief bravest and best in our Nation.

Today this tax is especially galling as we ask and expect our young men and women to fight the threats of terrorism. There has recently been an uproar, justifiably, about the charge that wounded servicemembers were billed for their hospital bills as they lay recovering from their wounds. They got a bill for the food while they were in the hospital.

I cannot see any difference between that case and the case we are talking about this evening, except that the disabled veterans tax costs our servicemembers much more than the hospital bill that we were so upset by. Why were we expecting the young men and women who spent the better part of their lives in service to their country to pay for their own retirement? It does not make sense, and it is an insult to these veterans.

Last year we passed this concurrent receipt in the House and in the Senate, and in a secret conference committee backed by the President of the United States it was removed. The will of the Congress, the will of the American people was frustrated by a secret meeting of a few people in concert with the White House.

Now we are trying a new process: 200 of our colleagues have signed the discharge petition, a process to get this to the floor in spite of the leadership's unwillingness to do so. We can get, with 218 signatures, we can move this bill

from the committee where it is stalled, to the full House of Representatives for a vote. We know it will pass, 370 members of this body have already signed on to it. A lot of them do not seem to have the courage to sign the discharge petition and that should not even be necessary.

It is shameful that we must resort to such a means to get a vote on this bill which would end this disabled veterans tax.

We are told that this bill will cost money. What does not? But it is a matter of priorities. We are willing to give our troops everything for their fighting in Iraq, now it is $87 billion for the next few months, but why are we not willing to give them all they need when they return home? What is our highest priority if not caring for our Nation's veterans? It seems to be tax cuts for the wealthiest of us all.

We must send a message to the men and women who right this moment are fighting in Iraq. They did not hesitate when called to duty. Many are serving much longer than anticipated. Some are returning home with disabilities that they will have to live with for the rest of their life.

What kind of nation are we? We must tell them that we value their service and that we value them. We must let them know that their Nation will honor them, not just in word, but in deed. Service-connected military retirees, I think we all know, have earned their retirement pay. They deserve their disability compensation. Let us not make them wait any longer for justice to prevail. We must end the disabled veterans tax.

Ms. WATERS. Mr. Speaker, I yield to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I thank the gentlewoman from California (Ms. WATERS) for organizing this special order.

Mr. Speaker, I rise today to discuss an issue that is very important to the veterans that I represent. In my district, Las Vegas, Nevada, I hear from veterans every day regarding the disabled veterans tax.

Las Vegas has one of the fastest growing veterans populations in the country, and about 2,500 of these brave veterans lose military retirement benefits due to this unjust tax. Each of these individuals who was disabled due to service to our Nation loses thousands of dollars every year. That is thousands of dollars that can cover their health care costs, enable them to support their families, pay their rents, buy food and improve the quality of their lives.

Under this unfair tax, disabled veterans who retire from the military lose $1 from their military retirement pay for every dollar they receive for a service-connected disability. When a retired Marine Corps major from Nevada was diagnosed with Lou Gehrig's disease, he lost more than $2,000 in monthly retirement pay because of the disabled veterans tax. To make up for that loss of income, his wife, instead of being able to cut back on her hours so that she could care for him, instead she had to work overtime just to make ends meet at home.

But as unfair as this tax is to our disabled military retirees, what is more shocking, what is more unconscionable is the Republican leadership that will not let us vote on this legislation that would correct this long-standing inequity.

There are over 300 cosponsors of H.R. 303 which would eliminate the disabled veterans tax. And more than 200 members of Congress have signed the discharge petition to force H.R. 303 onto the floor for a vote.

Mr. Speaker, the Republican leadership says they support veterans and they say they support ending the disabled veterans tax, yet they refuse to do what is right for veterans and bring H.R. 303 to the floor for a vote.

I invite my colleagues on the other side of the aisle to stand up and take care of the folks back home. The Republican leadership must put this bill on the floor for a vote. We should honor the commitments that we made to those who fought and are currently fighting around the world for our great Nation.

Support for our veterans is more than rousing rhetoric. It is more than a photo op. It is doing what is fair and moral to fulfill our duties and promises to them. We owe it to our veterans to keep our word, and Congress must take action to end this unfair tax on our veterans. We must take action now.

Ms. WATERS. Mr. Speaker, I yield to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, I want to thank my friend from California (Ms. WATERS) for yielding to me.

We are talking about ending the disabled veterans tax. Now, there may be people listening or watching who do not fully understand what we mean when we say disabled veterans tax. Well, let me just explain it briefly.

We know that disabled military retirees are the only Federal employees forced to pay for their own disability. Dollar for dollar they have got to give up their pension benefits in order to collect their disability benefits. We know that over 600,000, maybe some of them are watching today, 600,000 disabled veterans across this country, 10,000 disabled veterans in my State of Ohio, are paying millions of dollars every year because of this tax that we are trying to eliminate.

We know that the administration and the President himself, the President cannot escape this issue.

□ 1815

The Bush administration has told Congress that if we pass legislation to eliminate this unfair disabled veterans' tax, that the President will veto the legislation.

So what is Congress going to do? What are we going to do? Most of my Democratic colleagues have signed what we call a discharge petition. When the leadership of this House refuses to bring a bill to the floor, we have a mechanism called the discharge petition, and if we can get 218 Members of this House to sign that petition, that bill comes to the floor automatically.

How many have signed this discharge petition? Two hundred and three Members have signed this petition. We need 218 signatures to bring the bill to the floor. How many Republicans have signed this petition? Only two. Two hundred and one Democrats have signed the petition, only two Members of the Republican party. I am proud to say that every Democrat from the State of Ohio has signed this petition, and I am disappointed that not a single Republican from the State of Ohio has signed the discharge petition.

Why are they not signing the petition? I suspect it is because their leadership is telling them that they better had not, they better had not buck the leadership, there is a price to pay if they go against the leadership. Who are we here to represent, the leadership of the Republican party or the men and women, especially the disabled veterans, who have voted for us and sent us to represent them in this Chamber?

People listening may think, well, this is just a Democrat harangue against the Republicans, this is just a partisan issue, but I have, here in my hands, a news release that was sent out by the national veterans' groups. I will tell my colleagues who they are: The AMVETS, the Disabled American Veterans, the Military Order of the Purple Heart, the Paralyzed Veterans of America, the Vietnam Veterans of America. They put a heading on their press release that is pretty strong. They say, Congress declares war against disabled veterans, and I would like to share with my colleagues just some of the things these national representatives of the veterans have said in their press release.

They begin by saying, The House majority leadership has shown callous contempt for the sacrifices of America's defenders by attempting to impose overly restrictive conditions that would limit benefits for disabilities from military service. That is what these organizations say.

They continue, An untold number of men and women will return from Iraq and the war on terror with disabilities. The military and veterans' organizations worry that many of them will not be able to directly identify or prove the origin of their ailments, but that certainly does not mean that they should be ignored. Any suggestion to the contrary is outrageous and shameful, they say.

Then they conclude their press release by saying, Our Nation is engaged in a war with a hostile enemy that would willingly kill innocent civilians. Yet it seems that some members of our government would shortchange those who protect us.

They continue, Disabled veterans should not have to fight their own government for the benefits they have earned. In a callous effort to limit government's obligations to our former, current and future defenders, authors of the provision in the Defense authorization bill took it upon themselves to rewrite the law regarding benefits for disabled veterans.

That is what the national veterans' organizations are saying. This is not just a Democratic attack upon the Republican leadership or upon the President. We can solve this problem quickly. If we just had a few more Republicans who would walk down here to the well of the House and put their signatures on this discharge petition, within a matter of hours that bill would be brought to this floor, and we could end the disabled veterans' tax.

Probably a lot of veterans are watching today or families of veterans or just simply Americans who care about veterans. I think it is fair for me to point out that President Bush is willing to spend millions in Iraq to develop a ZIP code system, but he is not willing to spend for America's veterans. He is willing to spend millions building roads in Iraq, but he is neglecting to provide for our veterans. He is willing to spend millions to build hospitals and clinics in Iraq, but he is unwilling to support eliminating this disabled veterans' tax.

We need to get our priorities right, and I hope the people in this country start letting the Members of this House who are unwilling to sign this discharge petition know how they feel about it. Every Member of this House who goes back to their Districts this weekend should be confronted with veterans saying, sir or ma'am, have you signed the discharge petition, and if you have not, why not?

Ms. WATERS. Mr. Speaker, I yield to the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, this issue goes beyond politics. I sincerely respect and honor the active and retired members of our Armed Forces, as well as their families. I believe they deserve the respect of all Americans, and that respect should be demonstrated through words and actions.

The concurrent receipts issue was new to me when I first took Federal office. Learning about a policy that is tantamount to taxing veterans for being disabled infuriates me, and ending it simply makes sense. That is why I chose to cosponsor H.R. 303 and look forward to its passage in the House.

I am obviously not the only Member of this Chamber to feel this way. H.R. 303 has 366 cosponsors which is about as bipartisan as legislation can get these days. The idea of ending this disability tax appears to make sense to a supermajority, and we should have passed it months ago.

Here we are again, in yet another Congress, with concurrent receipts locked up in committee since January of this year, a full nine months ago. Our actions are not matching our words. Veterans' groups and individuals across the country and in my home district, the 2nd Congressional District of Maryland, have told me that passing H.R. 303 is one of their top priorities. They want it sooner rather than later, and frankly, they deserve it.

We seem to understand this on this side of the aisle, but we do not have the power to report it out of committee. We do not have the power to bring it to the floor, and we do not have the majority to pass it, but with 366 cosponsors, that should not matter.

So my Democratic colleague from Georgia filed a motion to discharge the bill to bring it to the floor. The entire Democratic Caucus has signed that petition, and as of today, two Republicans have signed on. Could someone please explain to me 366 cosponsors and only 203 signatures to discharge? What is going on?

I have heard that the majority leadership in the House and Senate are considering offering some version of concurrent receipts in the Department of Defense authorization. Some would prefer to wait for that option. I ask them, how much longer must we make our veterans wait when the language the veterans support, the bill they want, has already been introduced, has already been referred to committee and is ready for a vote and that is H.R. 303?

The veterans' disability tax or concurrent receipts, whatever one likes to call it, has been a partisan football in the political game for a while now. I cannot comment on that, I am a freshman, and this is my first try for the end zone on this bill. Whether Democrats or Republicans win or lose in this game, the veterans do need our help. Our citizens, who served and sacrificed for freedom we enjoy every day, deserve better. If the majority leadership is serious about that issue, then let us just bring H.R. 303 to the floor and vote on it. They control the agenda, and they can bring it to the floor today, right now.

Are words of respect enough? Should we not show the veterans how much we truly do respect them and their action and their sacrifices, including their families? Our side of the aisle has. We have done everything within our power. We have cosponsored the bill. We have signed the discharge petition. We have come to the floor today to speak on behalf of this bill, and we have vowed to vote for it when it reaches the floor. Our actions have matched our words.

We challenge our colleagues on the other side of the aisle to do the same.

Ms. WATERS. Mr. Speaker, I yield to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, I thank the gentlewoman for organizing this for tonight.

I rise to ask why? Why are we not giving our veterans what they deserve? Time and time again we are reminded of the great sacrifices made by this Nation's veterans. These are people who sacrificed their lives for our lives, for our country, for our rights and freedoms.

I am honored to represent a large amount of veterans, and now they need our help, but unfortunately, the House Republican leadership is turning its back on our veterans.

Currently, there is an outmoded and unfair system dating back to the Civil War of compensation for disabled veterans who are retired from the military. Under current law, veterans who are entitled to both a retirement benefit for the military service and service-connected disability compensation are not able to receive both retirement and disability payments. This is an outrage. I do not understand. Here we are Representatives in this House, we are talking about spending $87 billion on a war and our young men and women are over in Iraq fighting for our freedoms, and yet we will not take care of the great veterans that have already preserved this for us.

H.R. 303, the concurrent receipt bill and/or ending disability veterans' tax, has over 370 Members. I know down here in Washington I have learned an awful lot. Usually, one would think if we had 370 people on a bill, it is going to fly through. That means 370 people, Representatives from across the country, agree bipartisanly this is something that we should be doing. Yet, we cannot bring it up on the House floor. The Republican leadership refuses to bring it onto the floor.

There is a discharge petition, which a lot of people that are listening to this might not understand. If we cannot get a bill through committee to be talked about and onto the floor, we have a right to try and get Members to sign a discharge petition so that we are forced to bring it onto the floor. We have 203 signatures; we need more. And our veterans out there, please write their Congressman, e-mail them, tell them this is what they need.

The Republican leadership does not want to bring the bill to the floor for a vote. The Republican-led Senate passed this provision in the Defense authorization bill. Yet, the House Republican leadership refuses to bring it to the floor of the House. Veterans' policy should be nonpartisan, but unfortunately, at the cost of the veterans, it has become a partisan issue.

Mr. Speaker, we should all be standing together for our veterans. I implore the House Republican leadership to bring it on to the floor. Let there be an up and down vote. Very easily, who is supporting our veterans and who is not, and let us give our veterans what they rightly deserve. After all, they have done so much for us. This is the least we can do for them.

The last couple of weekends I have been meeting with so many veterans'

groups, and this is the only thing they are talking about. Last Friday, I was at Northport Hospital and talking to so many prisoners of war that have survived from the Korean War, and they are saying why? Are you waiting for us all to die? Is that what you are doing, to save some money? I do not understand it. We have our young men and women that are going to be our future veterans. If we do not keep our promise, why should they care about defending this country? We have to make a difference.

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

□ 1830

Mrs. MALONEY. Mr. Speaker, I thank my colleague for yielding to me, for organizing this Special Order, and really for her outstanding leadership not only on behalf of veterans, but in so many areas of deep concern and importance to our Nation.

I join her and many of my colleagues, well over 366 colleagues, to be specific, in calling for an end to the disabled veterans tax. The government decided many years ago, in 1891, to take disability benefits from retirees, to take it away from our veterans when they retired. It was wrong then, it is wrong now, and we need to change it.

Common sense tells us that there is a tremendous difference between what you receive for retirement and what you receive for a disability. If you are disabled, you have an injury. You may live in pain for the rest of your life, and you are entitled to that disability benefit. Veterans are likewise entitled to their retirement.

To show how outrageous this policy is, you could have a veteran who was injured and they decide to retire because of that injury. They then get disability benefits. But if another veteran who is injured decides to serve 20 years before he retires, when he or she retires, they only get their retirement. They do not get the disability benefit. In the private sector, if you have a disability, you get a disability benefit. If you retire, you get your retirement.

So this is a tremendously unfair policy, particularly when there are so many men and women risking their lives for our security. As we stand on this floor, they are in harm's way in Afghanistan and in Iraq, and we should change this unfair policy.

I must say that like many Americans I had a yellow ribbon in front of my apartment building for Ryan Dixon, my neighbor, who, in my opinion, is a great hero. He was part of the Special Forces. He served in Iraq. Thank God, he came back safe and he was not injured. But there are many other men and women who are injured, in Afghanistan and in Iraq, and they are entitled to their disability benefits.

Our Nation's veterans deserve nothing less than the benefits which they are entitled to, and we owe them an enormous debt of gratitude for their service to the Nation. It is time that we showed them our thanks by correcting this unjust and very unfair law. So I urge the majority, finally, to show its commitment to providing relief to the veterans across the country who rely on these critical benefits to live.

I really feel that it is a disincentive for people to stay in the military, to know that they will not receive their just retirement and disability benefits. So I call upon my colleagues, and particularly the leadership on the other side of the aisle, to bring this bill to the floor so that we can correct this injustice to our veterans.

Ms. WATERS. Mr. Speaker, may I inquire as to the time left on the hour.

The SPEAKER pro tempore (Mr. KLINE). The gentlewoman from California has 8 minutes remaining.

Ms. WATERS. Mr. Speaker, it gives me great pleasure to yield to the gentleman from Georgia (Mr. MARSHALL), who has truly been a leader on this issue all over the country, and he is the Member who filed the discharge petition.

Mr. MARSHALL. Mr. Speaker, I want to start by thanking the gentlewoman from California (Ms. WATERS) for organizing this, and I want to thank all of my Democrat colleagues who have spoken here today about a subject that is very important for our country, and actually is a national disgrace.

I visited a soldier who was wounded in Walter Reed not too long ago. He had come back from Iraq. He had an injury that is very similar to the injury that General Shinseki suffered earlier in his career. He had lost part of his foot. General Shinseki chose to stay in the military. He had a full career. He had a wonderful career and just retired as chief of staff of the Army.

This young man and I talked a little bit. I had been wounded in Vietnam, and I felt like maybe I could give him some solace by saying, look, they are going to be able to repair your foot; you are going to be able to stay in the military and have a career like General Shinseki had; somebody that everybody in the Army is very proud of. And he replied, sir, they tell me it is a better deal to get out.

Now, a lot of Americans do not know what I am talking about. For years, it has been referred to as concurrent receipt. It is a prohibition on receiving retirement benefits and disability benefits. Because that young man was injured in Iraq, lost part of his foot, he is going to be entitled to receive disability benefits. I was injured in Vietnam. I have shrapnel in my left leg. I get disability benefits. I have been getting disability benefits for 30-some-odd years. I get those benefits despite the fact that I only served my country 2 years. Had I stayed in the service and served my country for 20 years or more and been entitled to military retirement benefits, I would not get any disability benefits. Serve more, get less. It makes no sense.

And that is what that young man was referring to as he lay in his bed in Walter Reed. It is a better deal for me to get out of the Army because I will get my disability benefits. If I stay in the Army, serve my country more, I will not get my disability benefits; they will be taken away from me.

Well, we are calling this problem the disabled veterans tax, and many Members of Congress want to end the disabled veterans tax. Unfortunately, we have not been able to do that. The gentlewoman from California (Ms. PELOSI), our leader, gave me an opportunity to file a discharge petition, which I did. The discharge petition is designed to force a vote on this issue. I know if we get a vote we will pass it and we will end this tax on disabled veterans. The question is whether or not we will get a vote.

Now, I have had the honor and the pleasure over the last month or two to speak to many veterans groups. I spoke to the National Convention of the American Legion, the Veterans of Foreign Wars, Disabled American Veterans, Vietnam Veterans of America, and many, many others. The key to whether or not we are going to be successful in ending what is a national disgrace is those of you who are watching this program today and others.

Veterans need to continue to put the pressure on. Those of you who do not know much about this issue and want to learn more about it can go to the Web site of any of the veterans organizations. You will find it either under the name of concurrent receipt or disabled veterans tax. You can go to my Web site, and you will get an awful lot of information about it. It is the congressional Web site for Jim Marshall.

We will not get this done by ourselves. Democrats can push as hard as they want to. They will not be successful. It is going to require the involvement of folks who are watching this show and all of the veterans who are interested in ending what is a national disgrace. We have 366 Members of Congress who have signed on to the legislation that would end the disabled veterans tax. We just cannot get a vote on it. We keep the pressure up, we can get the vote. At the very least, if we keep the pressure up, what we will do is get a giant step in the right direction proposed by the administration. I hope one or the other happens.

There needs to be some relief given to veterans. There is no excuse in this country for somebody like me, who served for a lesser period of time, to receive more than somebody who served more. With that, Mr. Speaker, I want to once again thank the gentlewoman from California (Ms. WATERS) for having led us today.

Ms. WATERS. Mr. Speaker, I certainly thank the gentlewoman from Georgia.

Mr. Speaker, I would like to thank not only the gentleman from Georgia but all of my colleagues who spoke this evening. We are spending so much time

on this issue because our veterans should be special and should be very important to all of the Members of Congress and to public policymakers in general.

Our veterans have been so loyal, not just to our country because of their service but they are always loyal to the Commander in Chief. They have allowed themselves to be misused, to be ignored, and to be marginalized too much, and particularly by this administration. We find ourselves fighting and the veterans are scratching and clawing trying to just get the kind of benefits that they deserve.

They are in these veterans hospitals across the Nation waiting in line for service, cannot get appointments. We do not have enough beds for them in nursing care homes. And now we hear about this particular issue on the floor tonight, and it seems to me that the President of the United States would put an end to this. This is a Commander in Chief that is now saying that he needs $87 billion more to continue the war in Iraq? We are going to have more veterans who will be disabled, who will come home, who will have to suffer this great injustice.

This is the President who has already spent $79 billion and who is coming back for more. And this is the President, along with others in the administration, who is talking about we all have to make sacrifices. Our soldiers are dying, our soldiers are being crippled and disabled. They are losing their limbs. How long do we have to beg? How long do we have to plead with this President?

I am here tonight, along with my colleagues, to ask my colleagues on the other side of the aisle to please sign that discharge petition. Please send a message to the veterans that during this time when we are at war, at a time when many of those who watch us on television who are fighting in Iraq, who may be the victim of some sniper's bullet any time, any day, let them know that should something happen, should they be crippled, should they lose a limb that they can depend on their government to see to it that they get both their retirement and the disability benefits that they deserve. I do not think that is too much to ask, Mr. Speaker.

I certainly feel a little bit ashamed this evening that we have to carry this debate this far. I served on the Committee on Veterans' Affairs when I first came to the Congress of the United States. I interacted with all of the service organizations. I made a lot of friends, and I discovered at that time that there are many in the Congress who will wave the red, white, and blue flag and they will talk the talk; but they will not walk the walk. They will not stand up and ask for the dollars. They will not defend the services. They will not even take the time to help the veterans fight through the bureaucracy of veterans affairs to get the benefits that are coming to them.

My office makes this its number one priority. Not only do we work for the veterans, we have had to organize a whole chapter of the Vietnam-era veterans in my district because they were being ignored and they were not being serviced. We think that that is the least that a Member of Congress can do, to service the veterans, to fight for them, to make sure that they get justice. And on this issue, this should be the highest priority of our veterans agenda.

Mrs. LOWEY. Mr. Speaker, I rise in support of eliminating the tax on disabled veterans, and thank my colleague MAXINE WATERS for organizing the time to discuss this important matter.

Those who spend their career serving our nation in the military deserve our respect and gratitude; yet, military retirees remain the only group of federal employees who must waive retirement pay in order to receive VA disability compensation. Our nation is stronger and more secure because of their service and dedication, and fulfilling our obligations to those who fought for our freedom must always be a national priority.

It is time to stop penalizing the more than 700,000 disabled veterans who are military retirees. Attempts to redefine who qualifies as a disabled veteran are unnecessary, and achieve nothing more than providing benefits to one group of veterans at the expense of others.

The solution is obvious, yet resolution has been difficult, I was disappointed last year when a threatened presidential veto caused the elimination of the veterans tax to be scaled back in the Defense Authorization bill and, again this year when the House Defense Authorization failed to include language to repeal the tax.

At a time when our Nation is asking more men and women to risk their lives and security on behalf of our country, we should make every effort to fulfill our promise to them upon their return. The strength of a nation is measured not only in the might of its military, but also the compassion shown by and to its members.

It is time to put a permanent end to the disabled veterans tax; their commitment to excellence in service to our country should not be answered with deficient services from that country.

Ms. LEE. Mr. Speaker, I thank my colleagues, the gentlewoman from California, Ms. WATERS and the gentleman from Illinois, Ranking Member EVANS for their work on this important issue.

Mr. Speaker, I rise today outraged by the Majority Leadership's continual short-changing of American veterans. I appreciate Members' from both sides of the aisle, who work to support our retired soldiers. I find great irony in the support that this body gives in creating veterans in Afghanistan and Iraq, but the lack of assistance in sustaining these and previous veterans upon their return.

Mr. Speaker, I would appreciate the Republicans and this Administration responding to an outraged constituent who asked me earlier this year if, "We are just going to reward our fighting men with medals and praise, then let them fend for themselves after they have suffered the insults and injuries of war?". How do I respond to this person and others, when I know that I voted against the VA–HUD appropriations bill which under-funded the Department of Veteran Affairs by an embarrassing $1.8 billion.

I know that I co-sponsored H.R. 2569, which would authorize concurrent receipt of military retirement pay and VA compensation benefits, make health care for veterans more accessible and affordable, allow veterans' surviving spouses to receive adequate benefits, and expand educational opportunities for reservists. H.R. 2569 further enhances benefits for the families of those killed while on active duty, and gives an essential "thank you" to our troops now returning from Iraq and Afghanistan.

Mr. Speaker, I am a co-sponsor of H.R. 303. This legislation would permit retired members of the armed forces with service-connected disabilities to be paid both military retired pay and veterans' disability compensation. H.R. 303 would rectify the injustice which has penalized those who sacrifice to serve our country for over 100 years. Additionally, I joined my colleagues to sign the discharge petition to bring this legislation to the floor.

As a veteran's daughter, I, along with 365 Members of this body, am frustrated by our constant attempts to support those who sacrificed for this nation. I find it morally reprehensible that this President continues his reckless policy of cutting taxes for the richest 1 percent of this country, yet refuses to guarantee our veterans basic benefits. And I ask: how much longer is this body willing to punish those who sacrifice and suffer for serving and defending this nation?

SECURING THE PEACE IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Arizona (Mr. SHADEGG) is recognized for 60 minutes as the designee of the majority leader.

Mr. SHADEGG. Mr. Speaker, I appreciate this opportunity to open an important discussion before the Congress on the topic of securing the peace in Iraq.

I am going to be brief in my opening remarks, Mr. Speaker, because we have some colleagues here who want to participate in this debate and who have other obligations. But let me simply start by saying that I believe it is absolutely essential for this Nation, now that we have deposed Saddam Hussein, to rebuild that country and to secure for them the peace. And what I mean by that is that it is simply not adequate in this world we live in today to get rid of a dictator like Saddam Hussein and then walk away. Tragically, America has done that all too often in its foreign policy, with disastrous consequences.

There will be discussion on the floor here tonight in the course of this debate of how we did that after World War I. We not only walked away, but we demanded reparations. The result was the rise of an atrocious dictatorship in Germany and another world war.

I want to point to another example just briefly here at the outset of this

debate. When we helped the people of Afghanistan fight off the Russian invaders, the Soviet invaders in their country, we did the right thing. But sadly, tragically, when that effort ended, and the Soviet Union retreated from Afghanistan and turned it back over to the people of Afghanistan, we simply walked away and we did not help them rebuild their nation. We did not help them set up an economy. The result was absolutely disastrous. It was the Taliban regime that we have now deposed.

I know firsthand the situation in Afghanistan today. I was there a year ago August. I know firsthand the situation in Iraq, because I spent 3 days inside Iraq just this last August, and I learned a great deal. I went to several different parts of the country. And it is absolutely critical that we not just depose Saddam Hussein but that we help the people of Iraq to structure a functioning government. That will pay dividends for years to come.

□ 1845

I want to not only talk in this hour about the importance of having deposed Saddam Hussein and now securing the peace by aiding the people of Iraq, but why it is a bad idea to demand that this be repaid out of oil proceeds or to demand that this be a loan from the American Government.

There may be times when we need to make loans. I think right now the aid that the President has asked for should be given as a grant, because I think it is critical for us to demonstrate not just to the people of Iraq, but to all of the people of the Middle East, indeed the Muslim world, that when the United States injects itself as we did in Iraq and deposes a terrible leader like Saddam Hussein, the United States then follows through with its commitment and keeps its word.

Mr. Speaker, with that as kind of an introduction, I yield to the gentleman from Virginia (Mr. SCHROCK).

Mr. SCHROCK. Mr. Speaker, I recently joined 10 other Members of Congress to visit our troops and those working to restore peace to Iraq. What I saw there was absolutely amazing. There are many good and positive changes occurring in Iraq almost daily. The most remarkable and appreciated fact is the fact that Saddam Hussein is no longer in power. He clearly made the Iraqi people live in horrible fear.

Five miles from the historic city of Babylon we visited one of the 59 mass graves which has been discovered, which contained the remains of 3,000 Iraqis. To date, 2,100 have been identified and returned to their families for burial. There are still 900 unclaimed bodies in clear view of where we stood which await identification and a proper burial by their families.

There are a total of 300,000 missing Iraqis. With each new discovery of another mass grave, that number shrinks, bringing closure to many families.

The bright spot in this bleak description are the men and women in our military who not only liberated Iraq, but work every single day to bring peace and prosperity to this deserving country. Our men and women have repaired the power system so now light and air conditioning abound throughout Iraq. The sanitation and water systems that were in total disarray just 3 months ago are becoming more and more operational each and every day. Our men and women in uniform are reopening schools so all Iraqi children can attend school. Our troops have rebuilt and reopened the police academy in Baghdad so the Iraqis can be trained to provide for their own safety and their own security.

Everyone in America should be proud of what our troops are doing there. They are the best, and there are none better anywhere in the world. They do their jobs in intense heat under the most difficult circumstances, and they do it because it is the right thing to do; and they will tell you that as well. Every Iraqi we talked to thanked us and told us to thank President Bush when we saw him next. To a person, they all begged us not to leave their country too early. That is their greatest fear, the fear that we will cut and run.

This $87 billion supplemental is a tremendous investment in our future security. It will sustain our military forces in the war on terrorism and invest in the future of Iraq and, consequently, the future stability of the entire Middle East. The stakes are too high for us to fail.

Remember, only $20.3 billion of the supplemental spending request is for Iraq. It seems that the 10 Democratic Presidential nominees have either failed to look at the details of the President's proposal, or they are purposely misleading the American people into thinking all $87 billion is for the reconstruction in Iraq. Only $20.3 billion is for Iraq. The rest is to support our military in the war on terrorism.

The Vice President has said that in no way, shape or form will funds provided by the United States be used to pay foreign debts from the Saddam Hussein era in Iraq. The Iraqi Governing Council has asked the World Bank to assist in developing a proper accounting of their foreign debt. It is estimated to be about $120 billion. The Governing Council feels strongly that governments that knowingly lend money to a sadistic dictator such as Saddam Hussein to buy weapons and oppress his people do not deserve to have that money paid back.

There are key members of the Iraqi Governing Council who propose to repudiate all foreign debt from that era since that money was used to buy weapons and oppress the Iraqi people, and we should strongly support that policy.

We must continue to encourage the development of functioning local institutions in Iraq, not dependency on foreign administrators. This will take time and persistence. To transfer power before governmental institutions have properly developed would be reckless and dangerous. What matters most in developing states such as Iraq is leaders and law, not aid. The Iraqi Governing Council is committed to developing a constitution that creates a secular, democratic, strong federal government which embodies principles of equality for all Iraqis. They have already passed some of the most progressive laws in the Middle East in terms of encouraging foreign investment, allowing for dual citizenship, and establishing income and corporate tax structures, but it is too early to turn over control completely to the Iraqis.

In the short term, we must continue to increase the level of involvement of the Iraqi people in three key areas: security, control of money raised by oil revenues, and empowering them to represent themselves in world forums, such as OPEC and the United Nations. We will retain control of the funding that is provided in the supplemental. We have made unprecedented progress, and we must continue to be patient and stay the course.

There are many examples of our success to date. Approximately 5,000 small businesses have opened in Iraq since May 1, and an Iraqi central bank has been established. This took 3 years in postwar Germany. Almost all major hospitals and universities have been reopened, and hundreds of secondary schools will start school this fall.

An Iraqi Governing Council has been formed and appointed a cabinet of ministers. This took 14 months in postwar Germany. A 56,000 person security force has been armed and trained, and is contributing to Iraqi security. This took 14 months in postwar Germany.

There is still a tremendous security challenge, but more troops are not the answer. The Iraqis are eager to be responsible for their own security. Once the coalition trains Iraqis to be responsible for the governance and security of their own country, then we will be able to leave.

Mr. Speaker, I want to commend the gentleman from Georgia (Mr. MARSHALL) on a fantastic op-ed piece that he wrote, which ran in today's Washington Post. The gentleman emphasized that the version of events that we see each day on the news is distorted and heavily skewed towards destruction and death and not the birth of a new nation that is taking place.

I want to quote from JIM's op-ed. ''We not only need Iraqi tips and intelligence, we need Iraqis fighting by our side and eventually assuming full responsibility for their internal security.'' He says, ''Many in Washington view the contest for the Presidency and control of Congress as a sum-zero game without external costs and benefits. Politicians and activists from both parties reflexively embellish news that is bad for the opposition, but to do that with regard to Iraq harms our troops and our efforts. Concerning Iraq, this normal political tripe can impose a heavy external cost.''

I agree with the gentleman from Georgia and commend him for his vision and candor. American journalists in Iraq have freely admitted that their editors are not interested in printing good news from Iraq, but only reporting on death and destruction. Those editors are doing a tremendous disservice not only to their readers, but to every American serving in Iraq, to the Iraqi people and to our country. We must tell the story of the successes as well as the setbacks.

There is still a long way to go in Iraq, but there are thousands of dedicated, intelligent and educated Iraqis eager to assume leadership roles and be responsible for the future of their country. They desperately need our help.

Our credibility, our security and the security of the Middle East are tightly linked to their success. We must stay the course and provide the support needed. The return on our investment is stability, democracy and partnership. The failure of our efforts is too frightening to contemplate.

Mr. Speaker, I strongly urge my colleagues to support the President's requests for additional funding for Iraq. It is absolutely essential.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for his thoughtful comments and I appreciate the gentleman participating in this discussion tonight. I know that the gentleman has family obligations, but his attendance here speaks to how important he thinks this topic is.

I also thank the gentleman for pointing out that only $20.3 billion, not the entire $87 billion, is dedicated to reconstructing Iraq. And I also think it is important that we listen to his comments about the Interim Governing Council and the fact that they are making progress, but this money is going to be spent by Americans right now, and I think to assert that although Americans are spending this money, the Iraqis ought to repay it seems unfair.

I also commend the gentleman about Iraqi involvement and responsibility. At the end of the day, this is an Iraqi responsibility and ultimately we have to get those people involved in recreating their nation, and I very much appreciate the gentleman's comments. I also appreciate him pointing out that this is a bipartisan discussion; and our colleague, the gentleman from Georgia (Mr. MARSHALL) has written and spoken on this topic, and I think he will join us in this discussion.

Mr. Speaker, I went to Iraq this August and spent time there. Interesting in this debate, people who have been to Iraq and seen what is on the ground tend to support the President's position. Those who are critical tend to be those who have not been there.

Ambassador Bremer, I think, laid the groundwork by these remarks in a hearing just last month. He said the $20.3 billion in grants to Iraq the President is seeking as part of this $57 billion supplemental speed the grandeur of vision equal to the one which created the free world at the end of World War II. What he is referring to is the Marshall Plan, and I think for Americans to understand this discussion, they need to understand this aid, put in perspective.

As I mentioned earlier, at the end of World War I, we walked away. Indeed, we demanded reparations. We did not help Europe rebuild. That resulted in Hitler and another world war following that. But following World War II, we changed our policy rather dramatically, and we understood that rebuilding Europe was critically important. That was the Marshall Plan.

This second graph shows in current dollars that the Marshall Plan was dramatically more expensive than we are talking about in the President's request here. I think it is vitally important for the people of America to understand that if we are being asked to put up this money to rebuild Iraq, how does that compare to our prior experiences.

And with that, Mr. Speaker, I yield to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, I thank the gentleman for doing this special order, and maybe we can have a dialogue.

The gentleman, myself, along with a couple of our other colleagues had the opportunity to spend 3 days in Iraq in August. I had an opportunity to go back in September to complement that trip and see some things we were not able to see in August; and in coming back, there are some things we agreed on.

Number one, we agreed on the quality of our troops. We have very, very talented young men and women who fought a war in Iraq and now are providing the security zone to allow this country to restructure itself.

Mr. SHADEGG. Not just their quality, their enthusiasm. They are committed to this task. They can see in the faces of the Iraqi people that they are trying to help every day what it is doing for that country and for their people.

Quite frankly, I think if every Member of Congress were to go to Iraq, and for that matter, I urge the administration to take business leaders, take average Americans over there, let them see when we help the Iraqis by fixing a well that is no longer working or by opening a school that is no longer functioning, and we will discuss education later in this Special Order, when we do that, the faces of those people light up. And these are people embracing the concept of freedom and democracy for the first time.

When we look into the eyes of our troops and soldiers, they know we are enabling these people to be free for the first time and to understand prosperity for the first time. I could not agree more with the gentleman's comments.

Mr. HOEKSTRA. Mr. Speaker, the media is portraying a very different story regarding what is going on in Iraq than what we saw. There is no doubt that Iraq is still a dangerous place. At least it was in August, it was in September, and it probably still is today. But as we flew over the city of Baghdad there were cars, buses and trucks on the streets. There was commerce. Much of the city of Baghdad was functioning.

We met with a couple of divisional military commanders who talked about the thousands of projects that they had going on, rebuilding schools, cleaning irrigation ditches, working on clinics, and they talked about the progress that they were making. We met with a number of talented people.

The second trip I had over there I met with Peter McPherson, who is the president of Michigan State. He is now back at Michigan State. He was kind of the shadow finance minister. I asked him, what about the plans? You guys did not have a plan for reconstruction.

He said, What do you mean we did not have a plan? Did you see our currency collapse? No.

He said there was a debate about whether Iraq should keep this currency that had Saddam Hussein's picture on it. He said, we made a conscious decision, we planned to keep that currency because we did not want the currency to collapse, we did not want a run on the banks. Commerce continued in Iraq after the war.

□ 1900

The plan is in place. They now have a tax code, 15 percent top rate. They have a tariff structure, and they also now have one of the most progressive foreign investment laws in the Middle East. They have thought through all those things. Now they are working with the Iraqi Governing Council to implement it.

Another individual from Michigan who was kind of their shadow health care minister, he said, ''What do you mean, no plan? Did you see a breakout of malaria? Did you see a breakout of cholera or diarrheal diseases after the war? That is very typical after you have had a military conflict.

''Those things did not happen. We had plans in place to try to prevent that, and we were successful in preventing those things from happening. We kept the clinics open. We kept the hospitals open. The doctors kept coming to work. We were able to treat the people. There were plans in place. We have got talented people who have run major universities, major businesses, major sectors of this country who are now helping put Iraq together.''

Does that mean everything has worked perfectly? Absolutely not. But these folks have a plan, they are implementing the plan and as they get new information they are adjusting it.

Mr. SHADEGG. I could not agree with the gentleman more. Certainly I think it is helpful to hear those kinds of comments. And understand when I said at the outset of this special order

that we want to discuss securing the peace, maybe that confuses people, but for the average American what I mean is, we are in a war, a war on terrorism; and the battleground of that war is a war to win the hearts and minds right now, first and foremost, of the Iraqi people.

We cannot win their hearts and minds if, for example, they do not have electricity to cool or air-condition their homes and it is 140 degrees out. We cannot win their hearts and minds and tell them we have a better system for them if, for example, they cannot get gasoline to run their cars.

There has been some complaining about the President wanting to send refined fuels into Iraq. Why do we need to do that? They do not have gasoline to run their automobiles to conduct their business lives. We saw that great progress has been made, but the aid the President is seeking now is so that more progress can be made. I commend the gentleman for his thoughts.

Mr. HOEKSTRA. Let me add one thing. I do have another commitment. A lot of our colleagues are here tonight. That is great to see.

Mr. SHADEGG. I am thrilled to see so many of them here. I have got to get them all on.

Mr. HOEKSTRA. We talked about the horrors of Saddam. I will give you one of the ones that I have not seen published anywhere, but that I heard on my last trip.

I had the opportunity to go through the Ministry of Health. Then I had the opportunity to go through a hospital. We have heard about the mass graves, the slaughter of the Kurds and all of these types of folks. The one anecdote that somebody asked if I had heard about, they said, have you heard about our cornea transplant policy in Iraq? I said, no. He said, all the cornea transplants were done on Monday and Thursday. Executions were done Sunday night and Wednesday night.

Just one other example and these are stories that come from the Iraqis.

These folks are thankful that this man is gone. They are thankful that we are there, and they want us to stay because they trust us a whole lot more than they trust the U.N. We put together a good coalition in a very difficult situation, and as demonstrated by our colleagues here tonight, there are a whole lot of folks who have a lot more to add to this because we are going out and we are getting a complete picture by having this many Members participating in the debate, but also spending the time over in Iraq and everybody picking up their own little gems of information to give us a complete picture.

Mr. SHADEGG. I thank the gentleman. Without further ado, because we do have so many Members who want to participate, let me yield to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. I appreciate so much the opportunity to be here tonight. I want to thank the gentleman for his efforts because he cares about the people of Iraq. He cares about the people of America, because that is what we are talking about, the security of the people of the United States.

We are in a war against terrorism. It began, not of our own making, on September 11, 2001. We are responding to a very vicious enemy, being the terrorists who have determined that the targets of their attack are the people of the United States. And so I thank you for doing this.

I additionally want to point out that the people who are here tonight, this is the largest outpouring I have ever seen of people who are genuinely concerned about our country, about the war on terrorism. I also want to point out that I particularly appreciate your pointing out the situation of how we assisted in the redevelopment of Germany after World War II. That is exactly what we are doing right now.

The reason that we redeveloped Germany was not to show any appreciation of the war that they brought upon the world during World War II, but it was to redevelop Germany so it would not be a breeding ground for Communists because that is where we were. We were getting ready, as we all knew, to go into the Cold War. And we were able to redevelop Germany, and then we were able to defeat the Communists.

The exact same principle is at hand here. We are trying to redevelop Iraq so that we can avoid Iraq continuing, it already has been, now we need to stop it, as a breeding ground, a country that supported or harbored terrorists, because we are in a war against terrorism. We defeated communism. We can defeat terrorism thanks to the efforts of the people who are here tonight.

It is really very heartwarming that the opportunity I had, I returned 2 weeks ago from the visit to Iraq. This was a trip put together, a congressional delegation, by the gentleman from Missouri (Mr. SKELTON), the ranking Democrat on the Committee on Armed Services, and one of the very fine persons with us was the gentleman from Georgia (Mr. MARSHALL).

I want to congratulate him on his courage. He has been very outspoken in what he saw in Iraq. He saw the progress that the American forces and the coalition forces from all over the world, from 32 countries that are serving in Iraq.

In fact, in today's Washington Post, I would like to commend him, and he will be appearing apparently in a few minutes, on an op-ed which appeared in today's Washington Post. He had an excellent op-ed in the Atlanta Constitution. I just want to read one part. I do not mean to preempt his ability to speak this evening, but the gentleman from Georgia indicated, ''I went to Iraq a couple of weeks ago to resolve for myself the recent contrast between gloomy news coverage and optimistic Pentagon reports of our progress. My trip left no doubt that the Pentagon's version is far closer to reality.''

Mr. Speaker, the text of the op-ed is as follows:

[From the Washington Post, Oct. 1, 2003]

DON'T PLAY POLITICS ON IRAQ

(By Jim Marshall)

My first trip to a combat zone occurred in 1969. I was a 21-year-old staff sergeant, naive as hell, a freshly trained Army Ranger who had left Princeton University to volunteer for ground combat in Vietnam. I vividly recall feeling way out of step with my Ivy League colleagues.

Well, that same out-of-step feeling is back. But this time it's about Iraq and involves some of my professional colleagues, political leaders and activists who carelessly using words, and phrases such as ''quagmire,'' ''our failure in Iraq,'' ''this is just another Vietnam,'' or the ''Bush administration has no plan.''

I went to Iraq a couple of weeks ago to resolve for myself the recent contrast between gloomy news coverage and optimistic Pentagon reports of our progress. My trip left no doubt that the Pentagon's version is far closer to reality. Our news coverage disproportionately dwells on the deaths, mistakes and setbacks suffered by coalition forces. Some will attribute this to a grand left-wing conspiracy, but a more plausible explanation is simply the tendency of our new media to focus on bad news. It sells. Few Americans think local news coverage fairly captures the essence of daily life and progress in their hometowns. Coverage from Iraq is no different.

Falsely bleak Iraq news circulating in the United States is a serious problem for coalition forces because it discourages Iraqi cooperation, the key to our ultimate success or failure, a daily determinant of life or death for American soldiers. As one example, coalition forces are now discovering nearly 50 percent of the improvised explosive devices through tips. Guess how they discover the rest.

We not only need Iraqi tips and intelligence, we need Iraqis fighting by our side and eventually assuming full responsibility for their internal security. But Iraqis have not forgotten the 1991 Gulf War. America encouraged the Shiites to rebel, then abandoned them to be slaughtered. I visited one of the mass graves, mute testimony to the wisdom of being cautious about relying on American politicians to live up to their commitments.

For Iraqis, news of America's resolve is critical to any decision to cooperate with coalition forces, a decision that can lead to death. Newspaper start-up ventures and sales of satellite dishes absolutely exploded following the collapse of Saddam Hussein's regime. With this on top of the Internet, Iraqis do get the picture from America—literally.

Many in Washington view the contest for the presidency and control of Congress as a zero-sum game without external costs or benefits. Politicians and activists in each party reflexively celebrate, spread and embellish news that is bad for the opposition. But to do that now with regard to Iraq harms our troops and our effort. Concerning Iraq, this normal political tripe can impose a heavy external cost.

It is too soon to determine whether Iraqis will step forward to secure their own freedom. For now, responsible Democrats should carefully avoid using the language of failure. It is false. It endangers our troops and our effort. It can be unforgivably self-fulfilling.

Democratic candidates for the presidency should repeatedly hammer home their support, if elected, for helping the Iraqi people

secure their own freedom. It is fine for each to contend that he or she is a better choice for securing victory in Iraq. But in making this argument, care should be taken not to dwell on perceived failures of the current team or plan. Americans, with help from commentators and others, will decide this for themselves.

Instead of being negative about Iraq, Democratic presidential candidates should emphasize the positive aspects of their own plans for Iraq. Save the negative attacks for the issues of jobs and the economy. Iraqis are far less likely to support the coalition effort if they think America might withdraw following the 2004 election.

Finally, no better signal of our commitment to this effort could currently be provided than for Congress to quickly approve, with little dissent or dithering, the president's request for an additional $87 billion for Iraq and Afghanistan. Of course no one wants to spend such a sum. But it is well worth it if it leads to a stable, secular representative government in Iraq, something that could immeasurably improve our future national security.

I minored in journalism at Washington & Lee University, and I served as a reporter for the Post and Courier in Charleston, South Carolina. What I have seen in Iraq is really sad, and that is that the level of news reporting has been of the police blotter, and that is that in lieu of covering what is going on in a community, a country, a State or a capital, what has occurred is that the reporters have gone to the police station, gotten the very negative reporting of incidents of violence, level of violence, and then reported that as the news. That is inappropriate. I would hope that they would cover the positive.

I brought some indications, I feel like show and tell tonight, but I brought several items that I want to show that I believe indicate the progress.

First of all, the gentleman from Illinois (Mr. KIRK) has been so good in bringing to our attention earlier today on the floor of Congress that the schools have reopened today, October 1, 2003, in Iraq. This is very significant. Many of the schools were closed, particularly in communities that did not support Saddam Hussein. Thanks to the work, the civil action projects of the American military, the schools have reopened.

By American standards, we would be appalled. These are one-room schoolhouses that have been repainted; we are not talking about elegant schoolhouses, but they reopened today. When they did reopen, the teachers and the students were given tablets so they could write on them what they learned and what they were having the ability to learn.

For the first time, they were in classrooms where they were not given propaganda. The propaganda in subliminal messages on the mathematics were how evil the Western world is, how evil the American people were. Now they know that there is an open society in the United States and in the Western democracies, and it is one that can be positive for the people of Iraq.

I am excited. Today is a big day for the people of Iraq. Over 1.5 million students have received the new textbooks and the new book bags to carry and go to school.

Another indication of progress is the money itself of Iraq. Those of us in South Carolina are very proud that George Wolfe, who is the general counsel of the U.S. Department of Treasury, is serving with the Coalition Provisional Authority in Iraq in one of Saddam's palaces. What they are doing is that on October 15, 2 weeks from today, they will be turning in the money which is currently in Iraq and they will be, first of all, deleting the dictator Saddam Hussein's picture, and the new money will be issued.

It will be dinars. It will be from what we have learned from prior experience, and that is, it will not be currency manipulation; the people will receive dinar per dinar. It will be of the new money. It is being done at 150 locations in a very large country, 26 million people throughout the country to turn in the money, and Saddam Hussein will be gone in terms of the money. That is very important.

A final point in my show and tell tonight, it was very exciting for me to be with the gentleman from Missouri (Mr. SKELTON), the gentleman from Virginia (Mr. FORBES) and the gentleman from Florida (Mr. MILLER) to visit the reopening of the Kisik Oil Refinery. This is very significant. It is in the northern part of the country. The person who really coordinated this is General David Petraeus of the 101st Airborne Division.

They had the opportunity, again just 2 weeks ago, of reopening this refinery. It had closed 4 years ago; under the dictatorship of Saddam Hussein, the refinery had closed. But it was reopened. Now we have production of gasoline and kerosene which will be used by the people of northern Iraq, it will be traded to the country of Syria. Syria was so confident of all things, and that had not been identified as one of the countries that has been favorable to us, but Syria actually provided, by way of barter, electricity several weeks ago, anticipating the opening of the refinery so that this electricity could be forwarded into northern Iraq, which is already democratically operating and operating fully, and it will be sent to Baghdad.

And so we saw firsthand tremendous progress. I want the American people to know the progress that has been made, how much we appreciate the sacrifices of the Armed Forces that are serving there, the competence of their leadership and themselves; and for the family members who have young people serving in Iraq, the equipment that is there, the technology to protect our troops. And I say that as a parent of three people in the military, as a retiree 2 months ago yesterday of 31 years in the Army National Guard.

Again, I want to thank the gentleman from Arizona for his leadership as we bring this. It should not be, but it seems to be new news to the people of the United States.

Mr. SHADEGG. I thank the gentleman for his comments in support of this effort. I know that he believes deeply, as I do, that we have an obligation, having thrown out Saddam, as was needed to be done, a terrible dictator, to now help the Iraqi people. I think his illustrations of what we have done have helped.

Quite frankly, when I do these special orders, I like to have them be a discussion between several people, back and forth. Stunningly, we have so many people here tonight that it is almost not possible to follow that form.

One of our colleagues is the gentleman from Florida (Mr. WELDON). He is here, and I know he feels passionately that we need to rebuild Iraq, that the President is going in the right direction and that it is indeed a mandate in history, that this has lifelong consequences for our war against terror.

I yield to the gentleman from Florida.

Mr. WELDON of Florida. I thank the gentleman for yielding. I will be brief because I know there are several people who have been to Iraq.

I believe my physician colleague, the gentleman from Texas (Mr. BURGESS), may get up in a little while and talk about the medical situation over there, which was really abominable under Saddam Hussein.

I just want to state that I support the President's request to make this grant to Iraq. It is the right thing to do from a military strategy, it is the right thing to do from a political strategy and I am very, very pleased that this is going to be a bipartisan special order.

I just want to make one comment. I was so glad that you put this poster up here, because this $100 billion that we spent rebuilding Europe after World War II was somewhat in our own interests in that Europe was in such disarray that Communist forces were beginning to take over.

□ 1915

And those funds that were spent helped stabilize Europe, helped the democracies in Europe to emerge, and we essentially got a tremendous dividend from this investment in that there was a tremendous decade of peace and free trade, and ultimately in the end our economy benefitted from that.

And the situation here today is very similar. We have a unique opportunity to create a Western, U.S.-friendly, democratic beachhead in the middle of what has been a very problematic area in the Middle East that could have tremendous positive implications in decades and decades to come. And if we fail, the results could be absolutely horrible, not only in terms of dollars spent but as well in human lives. So I think the President's approach is right. All the military leaders say that this is desperately needed. All of the Members, and they are going to be speaking

more tonight like the gentleman from Michigan (Mr. HOEKSTRA), say it is very much needed. I thank the gentleman for yielding.

Mr. SHADEGG. Mr. Speaker, in the dialogue format, I just want to make one point. The gentleman points out the consequences in human lives, and I think he has spoken eloquently upon that topic. I just want to throw it back to him. I think he has made the point very clear that if we back away from Iraq right now, all those people in the country who are helping us right now, their lives will not be worth a penny, and I would like the gentleman to make a quick comment on that.

Mr. WELDON of Florida. Mr. Speaker, I mentioned that at the House Republican conference last week, and it is a point that I do not think has been emphasized enough. If we fail, what is likely to happen? One of the scenarios is that another brutal, vicious, murderous dictatorship regime could come back. The worst case scenario, of course, is that Saddam himself could crawl out from under a rock and regain the reins of power. And we all know what he did in Basra after the first Gulf War. He executed 10,000 people. I think the bloodshed this time around would be much worse. So we really need to follow through on this, and we really need to make sure it is a success.

I think the President's proposal is very much the right thing to do, and I think all of us in the House and in the Senate should be backing him. This is money, I believe, that will be very well-spent in the long-term. This war on terror, I believe very strongly, it could end up resembling the Cold War. It may take decades or generations, and this is a very critical moment for us. If we succeed, it could have huge positive implications for the future. If we fail, it could be disastrous. And I yield back.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for his comments.

One of the most eloquent spokesman who has gotten a lot of national coverage for his courage in speaking out, who makes this discussion tonight bipartisan and who makes this debate bipartisan, though there will be many, many Democrats who will vote with the President next week when we take up this legislation, is the gentleman from Georgia (Mr. MARSHALL). I yield to him on this topic.

Mr. MARSHALL. Mr. Speaker, I thank the gentleman for yielding. And I guess I would say that had I had a little bit more notice and appreciated the attempt to have a bipartisan effort here, I could have had plenty of Democrats on this side. There is no question about it. What we are going to find is that on the Democratic side, also on the Republican side, and I do not know how publicly on the gentleman's side, but certainly on the Democratic side, there will be questions concerning exactly how the money is planned to be spent. Is this appropriate? Is that appropriate? And there may be some who say this is inappropriate and that is inappropriate. But, in general, I think what we will find, and to a person this is what I have heard, Democrats are certainly in support of this effort to help the Iraqi people create a secular, representative government.

I do not want to take too much time because there are a number of people, and that might have caused a problem with my bringing a whole bunch of Democrats; so I do not want to steal the gentleman's thunder here. Let me say this. I appreciate the comments about my op-ed in the Post this morning.

Mr. SHADEGG. Two of our colleagues have already commented on it.

Mr. MARSHALL. And those who are viewing, if they wanted to get a more complete version of how I analyze our current situation, that would be a good place to go, and I would encourage people to do that.

I was a recon platoon sergeant in Vietnam. Vietnam is similar to the Iraqi situation and very dissimilar in other respects. In Vietnam, Russia and China were supporting the insurgency. So we had North Vietnam, Russia, and China. It made it very difficult for us to stamp the insurgency out, an insurgency that had been there for decades, was very well-organized. Iraq is very different from that. We do not have an external government with an awful lot of oomph, as China and Russia did at that time, and a great deal of commitment, as China and Russia had at that time, backing this insurgency. The insurgency is not something that is well-developed, but it could become so.

Here is the similarity: My job was to go out, find, engage the enemy. It was hard as heck to do. Iraqis, Iraqi troops, have a comparative advantage over any alien force, including Americans, that we simply cannot match. They speak the language. They read the street signs. They understand the culture. They can sort out friend from foe. Having their cooperation is critical to this endeavor. And, in part, I think one can understand why it is critical to the endeavor, because what we are trying to do is establish a representative government for the Iraqi people. One can force a dictatorship on folks, but one cannot force them to have a democracy. One cannot force people to be free. They have got to take it for themselves.

I think, as a country, we need to recognize that, that we have tremendous capabilities militarily, but there are some things that we just simply cannot do, and we cannot force freedom on people. They need to be coming forward and take it for themselves.

What does that involve? It involves Iraqis taking help from us. At least at this point they cannot do it on their own. They have got to step forward and be willing to cooperate with Americans. That involves taking risk. It is a tremendous benefit to us, and I think everybody here knows that. Right now, we are discovering about 50 percent of what they are calling IEDs now, improvised explosive devices. When I was in Nam, it was booby traps. We are discovering about 50 percent of those things, a little less than 50 percent, because people give us tips. They tell us where they are. Guess how we discover the rest of them? It is when our soldiers get hit by them, pretty much. More cooperation makes it safer for our soldiers. We find out where the ambushes are, where the booby traps are. We identify who the bad guys are. We are able to get them before they get us. But, very importantly, cooperation leads to people stepping forward, Iraqis stepping forward, taking up arms and going after the guerillas enthusiastically themselves. Simply having a police force, simply having an army, I do not care how many thousands of people, is not going to do it. They are going to have to be enthusiastic.

If I am an Iraqi, after 1991 when we encouraged the Shiites to rebel, then we withdrew and they were slaughtered, and some of my colleagues have been to the mass graves, as I have been, I am not going to step forward if I do not think the United States is committed.

So I encourage all of us to speak words of commitment, speak positively about the future of Iraq. We can differ on how we are going to get there, what is the best plan, when to bring in, how to bring in international folks, whether we can entice international folks, how we made mistakes in the past; but all of us should be talking about that. And, in addition, I think it is a good idea to go ahead and approve the President's request. It is a clear signal to Iraqis that we are committed. That is a big number, $20 billion for reconstruction.

The troops in Iraq told me repeatedly money is ammo, and what they meant by that was not that they did not have enough bullets or shells. What they meant by that is money enables them to do these reconstruction projects. These reconstruction projects build relationships and commitments with the Iraqis, lead to intelligence, lead to assistance, and ultimately lead to the commitment that we need from them if we are going to be successful here.

I have already spoken too long. The gentleman can tell I am passionate about this. I appreciate the gentleman's giving me an opportunity to speak, and I can tell my colleagues we would have tons of Democrats up here doing the same thing if we had just a little bit more notice.

Mr. SHADEGG. Mr. Speaker, I think the gentleman points out this is not partisan. This is largely a divide on who has been there and who has not been there, but I want to compliment the gentleman on one particular point, and that is I have been saying now for lo these many weeks that this has been on the discussion table, America, that the $20.3 billion for so-called reconstruction is as important to our military's success as the $60-some billion

for the military side, but the gentleman said it so eloquently. The real reason is, as the gentleman explained, and it certainly comes from his background having been in Vietnam. People, and that is if the Iraqi people are on our side, if they believe in us, if they want to help us, they are a resource that is absolutely invaluable. It is a resource that is worth ten times, in my opinion, $20 billion, if they come forward and say, ''There is an improvised explosive device right over here, and you need to go get it and get it out of there before it kills an American.''

Mr. MARSHALL. Mr. Speaker, if the gentleman would yield, in fact, what would be better is if they just take care of it themselves.

Mr. SHADEGG. Absolutely.

Mr. MARSHALL. They do not come to us and say, ''There it is. Would you take care of it?'' They go take care of it themselves. Ultimately, they have to be responsible for the security of their country. We do not need to be doing that. We will be able to tell in the next 6 months or a year or something like that, I cannot put a time frame on it, whether or not we are actually going to be able to entice them to come forward, and by gosh, we ought not to shrink from that effort right now, not after what we have spent, not given the opportunity that we have got as a country to make an immeasurable improvement in our future security.

Mr. SHADEGG. And this reconstruction aid is a way for us to illustrate that we are on their side, and for them to come to realize we are on their side, and for them to decide they need to be on our side and not on the side of the terrorists who want to destroy that country and bring Saddam back or some other regime that would be anti-American and be in line with the rest of the countries in that part of the world where terrorism is brewing against it.

So I think the gentleman's comments are eloquent, and I thank him for his participation and for all of his remarks on the topic.

I now yield to the gentleman from Arizona (Mr. FLAKE). I think he feels passionately about this issue as well.

Mr. FLAKE. Mr. Speaker, I thank my colleague from Arizona for arranging this special order and for all of those who have spoken. The most important part about this tonight, I think, is to hear from so many who have been there, and given what we hear in the news, I think that is particularly important because just watching the news channels, we simply do not get a good picture of what is going on there. We get a much better feel from those who have just returned. So I have appreciated this opportunity to hear that.

And I appreciated the concern that was raised before that not only do we make sure that we do not impose more debt on the Iraqi people, but that we ensure that the other debt that is held already is forgiven. It is extremely important. When we look, estimates vary anywhere from $60 billion to $150 billion and some more as far as outstanding debt. A lot of it is held by countries that are friendly with us and are on our side here, most of them, in fact. And I would hope that the administration, and I know they will, would exert all the pressure they can on these countries to make sure that we are not the only ones who are leaving Iraq debt-free and with an opportunity to grow and progress, that they have a responsibility to do so as well. I think if we want the support of Americans in this endeavor, we have to make sure that our partners around the world participate in this regard as well.

I would also encourage the administration to do what it can to exercise with us in Congress, and I think we need to remind our colleagues continually here to exercise fiscal restraint domestically. The primary function of the Federal Government, we all know, is national security. That is our first and primary function. This is important, what we are doing here. And we need, because of the situation we are in with a large deficit and a big debt, to make sure that we husband our resources properly and spend them where we need to and where the Federal Government has priority, and that is in our national defense. Again, I just want to thank my colleague from Arizona and all of the others who have appeared so far, and I just appreciate learning more myself and also to lend my support to this effort.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for his input.

In the light of the fact that I want to get all of the remaining Members here who want to speak, a chance to speak, let me yield to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Speaker, I thank the gentleman from Arizona for yielding but also for organizing this special order.

I think this is extremely important. Others have said it more eloquently than I will. I think the fundamental reality here is we have an opportunity as well as a responsibility to win the peace just as we won the war, and the President's proposal is about winning the peace. The $20.3 billion that will go towards rebuilding Iraq is about one winning the peace in Iraq. It is about helping the Iraqi people build a viable society that will not be a threat to its neighbors and to us anymore.

The President's determined that this money is needed soon after the decades during which Saddam Hussein's tyranny and the wars that he has brought on the Iraqi people has made this need urgent, and I hope we will all fully support this President's request.

I do, however, want to introduce an idea that I think is perfectly consistent with funding this request, and that is an idea that goes to the heart of what we ought to be doing here in Congress, and I think that is establishing our priorities, funding our priorities, and tightening our belts and living with some fiscal discipline throughout our budgeting process.

Today just happens to mark the first day of a new fiscal year for the Federal Government, and, unfortunately, it is a fiscal year in which we are going to undoubtedly run a several hundred billion dollar deficit. Given that situation, I think it is all the more important that we exercise the fiscal discipline and identify the priorities that we need to.

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This is a priority. So I have proposed, together with our colleague, the gentleman from Texas (Mr. HENSARLING), that we fund this, and we fund this fully but, at the same time, over the next several years, we find offsetting spending reductions in other foreign aid proposals, programs, areas that are not as high a priority, frankly, as rebuilding Iraq; and we reduce that spending by an amount that will, over time, add up to the amount we are spending in Iraq so that at the end of the day, the American taxpayer is not paying any additional net new sum of money to do this vital function. I think it is about priorities.

There are a number of areas that I would not suggest that we reduce funding in our foreign aid budget. For instance, our aid to Israel and Egypt is fundamental and very important. For other reasons, diplomatic and embassy security. There are a number of programs we should not touch. But frankly, if we were to trim by about 15 percent a year for the next 4 years, the next 5 years, I correct myself, for the next 5 years, we could fully offset this critical $20.3 billion expenditure that we need to make for our own security and for the security of our troops in Iraq and for the sake of the security of that region.

So I appreciate the opportunity to speak tonight. Again, I am very supportive of the President's request, but I would urge my colleagues to join me in an effort to find the appropriate offsets over the next several years so that this vital priority gets funded and some less important foreign aid programs wait until we have the resources to do it.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for his participation, and I want to express my appreciation for his thoughtful analysis of this issue. We do have to prioritize, and the suggestion he makes is a good one. As was mentioned earlier, today was the first day of school in Iraq; and in my visit there, we learned that America has done a great deal to rebuild the schools, although Americans will say, well, why are we rebuilding their schools and not ours. As I explained earlier, what we are doing is going in and painting existing school buildings.

But helping the people of Iraq educate their children is a critically important role for America. Again, it helps us to win over their hearts and minds and to do what our colleague, the gentleman from Georgia (Mr. MARSHALL), said, and that is have the Iraqi

people side with us in this struggle. For example, for them to help our troops find an explosive device that is planted and intended to kill an American, they are the best ones who can do that. Education is a big part of that effort; and to discuss education in Iraq further, I yield to our colleague, the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I thank my colleague from Arizona. People have asked me what the trend is in Iraq, for better or for worse. I just returned from Iraq and the trend is for the better. The last time I was in Iraq, I was in uniform flying at 20,000 feet and the Iraqi Air Defense network was shooting at us. That force is now gone.

Now that the allies have won, I think we should follow several key principles. One, the war on terror must be fought overseas and not in America's cities. I come from Chicago, home to America's tallest building. The Sears Tower is still standing, and we want to keep it that way.

Second, we must finish the job in Iraq; otherwise, we condemn a future generation of young Americans to refight this war. If Desert Storm had a key lesson, it is that unfinished work ensures a new Middle East war. I think we should make sure that no future generation of Americans has to fight again, and that is why we need to finish what we are doing in Iraq.

Our goals must match the best ideals of Americans: an Iraq that does not invade another member of the U.N. each decade; an Iraq that governs by the consent of Iraqis; and an Iraq that cooperates with the United Nations, not confronts it. These are worthy missions and if we accept these missions, we must accept that we need to give our troops the tools they need to complete this job.

This is a difficult job. Let us look at Iraq under Saddam. Life expectancy in Iraq totaled just 58 years. Forty-seven percent of children did not attend school. Half of Baghdad's phones did not work. Iraq had the highest infant mortality rate in the Middle East. Seventy of 90 city water systems did not work. Saddam's health budget totaled 75 cents per person per year. There was only one newspaper, Uday Hussein's newspaper.

Under the allies now, the situation has changed. Ninety percent of Iraqi school kids started class today. Power generation is up 100 percent from 1,200 megawatts to 3,700. Five million school books were delivered, but these school books did not have the anti-U.S., anti-Semitic rhetoric. Now there are several dozen newspapers. I brought them back with me. These are newspapers that did not exist before May 1, like Azzaman, al-Balad, Al Mutamar, Ashraa, and even an English language newspaper, Iraq Today.

When I was in Iraq, I learned that 90 percent of Western reporters have left Iraq and for those young reporters who remain, their editors have told them that they are only interested in one story: injuries to Americans. We are not allowed to know about anything else happening in Iraq, but there are many developments in Iraq that we should know about.

I want to tell one last story. As my colleague from Arizona said, today is the first day of school in Iraq. And we, the United States Government, have prepared a school kit with the U.S. emblem on the front. This school kit is a book bag with pens, a calculator, school supplies, all intended for Iraqi children. The U.S. Government delivered 1.5 million of these school kits to the children of Iraq to ensure a good start with the school year. This was a start of the school year which did not include half of Iraqi children; it included 90 percent. They got a good start. Each day, Iraqi children, when they open their book bag, will see the U.S. emblem on the front. And that is a powerful message that they will remember: who helped them in their earliest years in class.

I think this represents some of the best ideals of America. It is showing that we are part of the future of this country. The situation is changing and changing for the better, and I thank my colleague for having this Special Order.

Mr. SHADEGG. Mr. Speaker, the gentleman illustrates how exactly we are going about winning the hearts and minds of the people of Iraq, and I thank him.

I yield to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Speaker, I thank the gentleman for putting on this Special Order, and I really feel privileged to be a part of this story tonight.

I too traveled to Iraq the last week in August. I came back to this country and turned on the national network news one night and the lead story was about Iraq. But honestly, I did not recognize the country that they were talking about, the country I had just left a few hours before. Perhaps General James Conway of the First Marine Expeditionary Force summed it up best when he said, ''Iraq is a vivid success story.'' Iraqis are concerned not that we will stay too long, but that we will leave too soon.

Let me talk for just a minute about health care in Iraq. Put this in the context that there was no health care infrastructure improvement in over 30 years. A member of the 385th Civil Affairs Brigade, Lieutenant Colonel Michael Keller, a good west Texas boy, had been to the medical library in Baghdad. He reported to me that within the medical library he could not find a medical text that had a copyright date later than 1984. Pharmaceutical agents that were manufactured in Iraq were useless; and, in fact, after the end of the combat phase, we relied heavily upon donations of medicine from the Kuwaitis. Saddam's per capita medical expenditures were 50 cent a person, compared now to $45 a person in the last 6 months.

Perhaps the most searing comparison was the opulence of the palaces compared with the dreadful poverty of the hospitals in Iraq, palaces that had marble veneers on every wall, two-story-high fireplaces, and hospitals that did not even have linoleum on the floors, hospitals that did not even have medical gases piped in.

Mr. Speaker, one of the points that was brought up earlier was the humanitarian disaster that did not occur in Iraq. Let me point out that if there had been 15,000 heat-related deaths in Iraq this summer, we would have been blistered in this country because of that. The 15,000 heat-related deaths occurred in France. We barely heard a word about it from our news media.

I know time is tight, so I yield back to the gentleman from Arizona.

Mr. SHADEGG. I thank the gentleman who brings a great perspective. I yield to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. Mr. Speaker, I appreciate my colleague yielding to me.

I rise in very strong support of the supplemental appropriation that the President has requested. In doing so, I do not take the position, and I am sure my colleagues do not, that this supplemental appropriation will be free of scrutiny. We will look it over; and, frankly, we will check it out, and I have no doubt in the legislative process we will improve it greatly.

But I think as to the big question, the President has it right, and I think he has it right for three reasons. First, as has been alluded to several times by a number of speakers tonight, our own history gives us the lessons that we should be drawing in this particular case. In the First World War, we won the war, we participated with our allies, but we did not do anything to rebuild a shattered Europe afterwards. Less than a generation later, young Americans were dying again in the same fields, in the same countries, for the same cause. In the Second World War, we took a different approach and it was extraordinarily successful. We not only won the war, we won the peace, we secured Europe; and, in doing so, we set up a powerful example in Europe that saved that continent from the awful tyranny of Communism.

There is even a more recent example and, frankly, a less happy one that I think as Americans we ought to reflect upon. We were engaged indirectly and, to some extent, directly in the struggle in Afghanistan to push out the old Soviet Union, and we were successful in that. We walked away from the problem. And in walking away, we left a country that was destroyed, that was devastated, that was divided; and in less than a generation, frankly, in a matter of a few years, terrorists set in, took over and planned and launched a deadly attack on the United States that we have lived with the consequences of. We should learn from our own history.

The second reason I support this supplemental is, quite frankly, the situation in Iraq. There is no question Iraq is a potentially rich country, but it is not rich today. The oil revenues, the revenues that the people of Iraq generate from their hard labor and work need to be reinvested in Iraq and will be reinvested in Iraq. The reality is there is simply not enough wealth to be created to get the job done and to get the job done in a timely, expeditious way, a way that is good for Iraq and, frankly, in a time frame that makes it possible for our own people to leave as quickly as possible, which is what we want and what they want.

Finally, and most powerfully, I think I favor this resolution simply because I support our American troops that are on the ground there. We have asked a generation of young Americans to perform a dangerous and difficult task.

I serve on the Committee on Armed Services, Mr. Speaker; and every single military person that has come to visit with us has told us this is an important part of winning the war, securing the peace, and that these dollars, particularly spent on civilian projects and rebuilding and reconstruction in Iraq, enhance the security of American forces that are deployed. I want American troops to be looked upon as what they are: liberators and benefactors. I do not want them to be regarded as conquerors, occupiers, and exploiters; and I think the latter will be the case.

So, Mr. Speaker, I think this is a historic opportunity. All of us have a responsibility, I think, to do what previous generations of Americans have done: rise up, meet this challenge.

In closing, Mr. Speaker, I just want to thank the gentleman for his leadership. He has not only spoken eloquently tonight, but I too heard the gentleman repeatedly in groups, caucuses, and organizations; and the gentleman is doing a fantastic job.

Mr. SHADEGG. Mr. Speaker, rather than closing, my colleague, the gentleman from Indiana (Mr. CHOCOLA), is here. I know he feels passionately about this. I guess we have 15 seconds left. The gentleman led his own Special Order on this issue last night, and I yield to the gentleman to close.

Mr. CHOCOLA. Mr. Speaker, I thank the gentleman very much, and I think the fact that we only have 15 seconds left, we have had so many Members here tonight to tell the real story.

Mr. SHADEGG. Mr. Speaker, I do not think I have ever seen a Special Order with this many speakers.

Mr. CHOCOLA. Mr. Speaker, the fact that we have so many Members who want to share the real story of Iraq I think speaks well, for the facts are that there is great hope, there is great optimism. Supporting the President's request is the right thing to do. We have one chance to get it right.

I thank the gentleman very much for hosting this evening's discussion.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman. It is clear to me that we need to win over the hearts and minds of the Iraqi people. As our colleague, the gentleman from Georgia (Mr. MARSHALL), said from the other side of the aisle here tonight, we absolutely must have them on our side. This is the way to do it. I urge my colleagues to join us in supporting the President's full request.

COMMEMORATION OF THE 43RD ANNIVERSARY OF THE INDEPENDENCE OF CYPRUS

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I actually did not come tonight to discuss Iraq or to respond to what my colleagues said on the Republican side, but I could not help but when one of my colleagues got up and showed that book bag and I think suggested that there were over a million Iraqi children that were going to receive that very nice book bag, I just could not help but think, well, what about all of the American children that went to school; I do not remember any of them getting a free book bag.

So part of the problem is that when the Republicans talk about all of these wonderful things that are going to be given to the Iraqis, they seem to forget that many of these things, whether it is education or health care needs, are not provided to our own citizens here in the United States.

But in any case, Mr. Speaker, this evening I want to mark the 43rd anniversary of the independence of the Republic of Cyprus. Since the end of 80 years of British rule in 1960, this remarkable island of Cyprus and its people have endured great hardships and great triumphs. Despite being divided for the past 29 years, Cypriots have not given up hope to one day see the end of the Turkish occupation and the reunification of the island. I recently traveled to Cyprus in August; and I firmly believe that all people, Greek, Turkish, Armenian and all of the inhabitants of the island, want to see the end of the intransigence of the Turkish leaders and greet each other as fellow citizens once again.

As we all know, Mr. Speaker, on July 20 of 1974, Turkey unilaterally invaded the sovereign nation of Cyprus, resulting in the ethnic cleansing of the northern third of the island of Greek Cypriots.

□ 1945

This action was, and continues to be, widely condemned by the international community. And dozens of U.N. resolutions have been passed about this illegal occupation. And the European Union has made it clear that Turkey's entrance into the European Union eventually will be based in part by its ability and willingness to settle the situation in Cyprus.

Now, I have to say many of us know that this past year there seems to have been an opportunity to reunify the island and even the Turkish occupation of the northern part of Cyprus because Cyprus, it was finally agreed, would enter the European Union on its own. In fact, the accession to the European Union is scheduled to take place next May in 2004. In April of this year the decision was finally made by the European Union to accept Cyprus as a member.

The United Nations under Secretary General Annan put together a plan for the reunification of Cyprus. And back in the early part of this year, there were negotiations between the Turkish occupied government in the northern part of Cyprus and the government in Nicosia, the Greek government which represent the entire island as well as the Turkish government. And we were hopeful that there would be some agreement on a reunification plan before the decision was made in April that Cyprus would join the European Union. It certainly made sense to have Cyprus join the European Union as a unified island. But unfortunately because of the intransigence by the Turkish-Cypriot leader, Ralph Denktash, those talks led to nowhere. And everyone agreed, not only the Secretary General of the U.N. but also our government agreed and specifically stated that the reason why the talks broke down and no unification plan under the auspices of the U.N. was adopted was because the leader of the Turkish Cypriots, Mr. Denktash, refused to budge and refused to effectuate any real negotiation according to the U.N. plan.

Mr. Speaker, I wanted to share my outrage over a statement made by Mr. Denktash yesterday. Frustrated by the unity of the international community identifying him as the obstacle to reunification, he compared Secretary General Kofi Annan's plan for the reunification of Cyprus with the genocide committed by President Milosevic of Yugoslavia. Now, that is an outrage in itself. Here is the U.N. under the Secretary General trying to bring peace to a divided island, trying to reunify the island for all its people, and that is compared to the genocide by the President of Yugoslavia?

For Mr. Denktash, a man that has repeatedly flouted the will of the U.N. and his own citizenry, this ridiculous claim is, I think, the most egregious action that he has taken so far. It is not enough for him, it seems, to operate outside international norms; he must now accuse the U.N. of committing the worst of crimes against humanity.

Mr. Speaker, I sent a letter to Mr. Denktash today which I would insert into the RECORD.

OCTOBER 1, 2003.

Mr. RAUF DENKTASH,
Washington, DC.

Mr. DENKTASH: I was shocked to learn of your comments yesterday in an interview with the Anadolu Agency that compared United Nations Secretary General Kofi

Annan with indicted war criminal Slobadan Milosevic. This could not be further from the truth. Milosevic is accused of the worst of crimes against the ethnic Albanians, and Kofi Annan works tirelessly for the advancement of global truth and justice. In order to set the record straight, I ask that you issue an apology to the Secretary General and recommit yourself to the reunification process with Greek Cyprus.

Your statement clearly is not helpful to the reunification process of Cyprus. In sharp contrast, Greek Cypriot President Tassos Papadopoulos has proven to bend over backwards in order to move the talks forward. After the failure of the talks in March at The Hague, he did not waiver from his determination to arrive at a solution, stating that despite his ''understandable sense of disappointment, we will not abandon our efforts for a Cyprus solution, which would be functional and viable.''

It is also evident that you are not truly representing the will of your own citizenry. As you well know, tens of thousands of Turkish Cypriots protested in support of the U.N. plan for reunification with Greek Cyprus earlier this year. They demanded that they be given the same rights that are enjoyed by the Greek Cypriots, and reunite the country once again after 29 years of division. Your decision to open up the border to Cypriots on both sides for daily trips was a positive first step towards the cessation of tensions, but a first step is all it will remain if you do not return to the negotiating table.

A solution can still be reached in the Cyprus problem. You still have the chance to heed the advice of the international community and the demands of your own people. An apology regarding your recent comments about Kofi Annan, accompanied by a sincere commitment to the reunification talks, will go a long way for the people of Cyrpus to have their country back.

Sincerely,

FRANK PALLONE, Jr.,
Member of Congress.

Mr. Speaker, in that letter I demanded that he apologize for his statement and recommit himself to the U.N. peace process. His behavior further demonstrates what Mr. Annan stated about how it was solely Mr. Denktash who was the reason why these reunification talks broke down. I would ask him to start up the reunification talks again. This is what should be done, not making these outrageous statements about the U.N.

HURRICANE ISABEL RECOVERY

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 60 minutes.

Mr. ETHERIDGE. Mr. Speaker, this evening I will be joined here by a number of my colleagues from not only North Carolina but from States along the east coast that were hit by Hurricane Isabel with devastating force several weeks ago, and a number of lives were lost in my home State. More lives were lost, of course, as the storm made its way up the east coast through Virginia into the District of Columbia as it continued to move forward. And, of course, the amount of water that was dropped created flood conditions in some parts of the east coast that they have not seen for a long time.

This evening, though, let me speak specifically about North Carolina and then we will cover some of the other issues. And my colleagues are going to join me in a few minutes. But I want to express my appreciation this evening, Mr. Speaker, to some hard-working folks who came to North Carolina really before the storm hit, from FEMA and the emergency management people in North Carolina, Under Secretary Beatty and Governor Easley, who really were planning in getting ready.

We had a lot of advance planning and time to get ready for the storm when it was a category 5. Unfortunately, no matter how well you plan, you cannot stop the wind damage, nor can you stop the tidal surge. And that is what created tremendous damage. We have roughly 400 FEMA workers in North Carolina as I speak this evening helping door to door.

I appreciate this opportunity to bring to my colleagues' attention in this House the issues as they relates to recovery costs from this devastating hurricane. I have to my right here a photograph of a road. You know, most of us think it hit the coast and that is where it ended. This was well inland. This really is a road here, and you see how it was washed out.

I want to turn, though, to the next photograph. And I am going to leave this up and refer to it from time to time. This is a small rural village, the county seat, of Hyde County. It is not in my district, but I have a lot of friends who live there. When I was State superintendent of schools, I spent time with my friends there. And this small town is under water, or was under water.

What is so sad and devastating about this situation is when Hurricane Floyd hit in 1999, they saw flooding, substantial flooding. They borrowed money through SBA and other sources and with the FEMA money razed their homes, did the things they needed to do. And now the whole town is flooded, not just part of it, the whole town.

And I could cite stories all over the East, and my colleagues are going to talk about more of those this evening, so I will let them join me in just a minute. But as it roared ashore on Thursday, September 18, I could not help but think that Hurricane Fran that hit in 1996 came on a Thursday, Hurricane Floyd which was the 500-year flood, came on a Thursday, it seems like Thursdays in September are not the kind of days in North Carolina when you have got a storm coming you want to look forward to.

But as this storm roared through North Carolina and into Virginia and Maryland, its effects were felt all the way up into West Virginia and Pennsylvania and finally ultimately in Canada. Although it lost its strength as it came inland, it was a huge storm. And the fury of this storm touched millions of people along the east coast. A lot of folks were without power for a week. I was told today that finally, after now roughly almost 2 weeks, all the power is back on in North Carolina.

It destroyed homes, as I said. It destroyed whole towns, it flooded them, and it literally devastated crops. And I will talk about that more as the evening goes on with my colleagues.

And I am sorry to say that in North Carolina we lost five of our citizens as a result of this storm. And as is the case many times with a hurricane or storm that moves inland, we lose more lives from freshwater flooding than we do along the coast.

We asked our friends in North Carolina to send a photograph to us tonight to use to share with our colleagues, because many have seen the photographs or the things on TV as it relates to the Outer Banks and Hatteras and Ocracoke and others. This little small town is in a rural county; and, I dare say, no one has seen this photograph in Hyde County of Swan Quarter, a fishing village with some great people.

So far, 26 counties in North Carolina have been declared Federal disaster areas. And we just got word that the declaration may be extended to several more counties, and it should be. And I trust the people at FEMA will do it quickly. Because there is a lot of debris.

I talked this evening with a person who works for the State of North Carolina who works with our fishermen on the coast. And because of all the debris that has been washed on shore and clogged up the channels, many of our fishermen who would like to go out and earn a living, that even though the storm has passed, there is so much debris they cannot set the nets, their crab pots have been washed away. It is just devastating to their economic livelihood.

Preliminary damage estimates indicate, and these are only preliminary, the numbers will change, that North Carolina local governments have incurred more than $55 million in damages, an assessment for individual losses thus far and is continuing to rise as those numbers come in.

This is a State, as I said earlier, that was hit with Hurricane Fran in 1996 that created untold hundreds of millions of dollars, actually in the billions of dollars, of damage, a devastating flood in 1999, ice storms et cetera. I will talk about that more later. 1.8 million acres of three of our State's most important crops were heavily damaged: peanuts, cotton, and soybeans. And the shame of it is it comes to one of the areas of my State where there is very little manufacturing. Agriculture is the lifeblood of many of these communities. And it comes less than 1 year after our farmers suffered one of the worst droughts that we have faced in a long, long time.

Sometimes those of us in North Carolina feel that our State has become a sort of disaster central. We get an awful lot of disasters. Some have said

that when you dial 911, it rings in North Carolina. They are really talking about when hurricanes head in. And they normally hit North Carolina because it sort of sticks out in the ocean, if you look at the maps.

In the past several years, as I have said, we have had two major hurricanes, a major ice storm, and a drought. That is why the economy of our State is in such tough shape right now. Along with the manufacturing jobs we have lost, it has had a heavy impact. We have lost the second largest number of manufacturing jobs in the country, second only to Michigan.

Fortunately, because of the advanced technology that we enjoy today, Isabel was one of the best forecast storms that we have had in a long, long time. We needed direction and they told us about where it was going to hit and it hit there, the approximate wind speed, and they were right. But as I said earlier, we could not control the waves; we could not control the wind. And a lot of damage was done.

However, as these two photographs show, there is water in every house in this small town. The whole town is flooded. One thing that we can improve upon that we do not now have the ability to do is that we ought to be able to determine the hydrology of how much water is going to fall so we will know what the flood levels are.

Most of our Nation's hurricane preparedness efforts have been focused on tracking storms, telling close communities to leave, and they did in this one. It saved a lot of lives, and we are grateful for that. But we cannot deal with the surge. With early warnings, communities can take necessary preparedness and protect our citizens and, in many cases, protect property as was done along the North Carolina coast to the extent we could.

However, as was demonstrated by Hurricane Floyd in 1999, Tropical Storm Alison in 2002, and now Hurricane Isabel this year, we need to improve our ability to raise the awareness of our inland residents of the destructive nature of flooding.

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And we can do something about it. A study done by Ed Rappaport of the Tropical Prediction Center shows that since 1970 fresh water flooding has caused 59 percent of storm deaths in the United States in all storms, whereas only 1 percent of the losses of life have come from coastal storm surges, and that is true in this storm.

That is why in the 107th Congress my colleagues joined me as I introduced and we got passed the Tropical Cyclone Inland Forecasting Improvement and Warning System Development Act. That is a long title to say we need a little bit of money to find out where the flash floods are going to be, how high they will be, so when we tell a person there will be a flash flood, they will know whether it will be 6 inches or 6 feet. There is a big difference in that to save lives.

This law authorizes a small sum, only $1.15 million a year for 5 years to provide the National Oceanic and Atmospheric Administration, or NOAA, with additional resources to enhance the science of flood prediction and, most importantly, develop an important, effective flood warning index that will really save lives. We can do it. We have the technology to do it. It takes just a few dollars to help make our citizens here in the United States of America, who are paying the taxes, safer and to save lives.

We need to better understand the damage these storms can cause and better inform our citizens of the danger these storms pose.

I am working hard with my colleagues and this delegation and others to provide the funding this year to bring the process of developing an inland flood forecasting and warning system that our communities will have so that when the next hurricanes come, hopefully we will have a way to deal with it and we will be better informed to share with our citizens.

Mr. Speaker, it is now my privilege to yield to my colleague really from the Northeast, whose district encompasses a lot of the area that received substantial damage, a hard-working member who has really spent a lot of time working with his colleagues, working to make sure we get the money, to make a difference, to help his people back home, the gentleman from North Carolina (Mr. BALLANCE). I thank the gentleman for his hard work.

Mr. BALLANCE. Mr. Speaker, I thank the gentleman from North Carolina (Mr. ETHERIDGE), my colleague, for organizing this special order tonight. And we thank our other colleagues who are going to join us, the gentleman from North Carolina (Mr. PRICE) and others.

I represent the First Congressional District of North Carolina, all or part of 23 counties. Most of these 23 counties were sort of in the eye of the storm, but there were about seven or eight who were actually hard hit and power was knocked out for more than a week.

We are here tonight because we want to talk about this storm and its impact on the communities, the cleanup and recovery process that has gone on and is going on. Tragedies such as these kinds of storms bring out the best in our people, and we want to talk a little bit about that and congratulate all of the volunteers and those who worked so hard. People find that in these kinds of tragedies they can lean on one another and they can lean on their faith and they can have hope for a brighter future, even while they are sitting in the dark, maybe with a candle flickering as the only light in their household.

As my colleague has pointed out, Hurricane Isabel made land 2 weeks ago, hitting North Carolina's coast and coming right across Greenville and Roanoke Rapids and Hoskey and on into Virginia and on up the coast and right across the District of Columbia. The resulting impact left entire communities in the dark for the better part of an entire week. As we learned today, the last out customer in Hartford County was to have their lights by dark tonight, and one customer in Washington County hopefully by midnight tonight.

There may still be a few isolated power outages where the storm has damaged the home itself or the meter box, and the power companies are not able to turn the power on until those areas are fixed. But people were left without lights, without water, without the necessities. And I know that there are some people who depend on their telephone as a lifeline. At some point, after a day or two, in most of these areas, telephones were out, roads were out and impassable.

I wanted to say a hearty thank-you to the thousands and thousands of volunteers, first responders who comprised about 95 percent of the relief operations early on in all of these communities. They, the firemen, were out there almost in the middle of the storm, the police officers, the sheriffs' departments. And then just individuals who knew that there were problems with trees across the highways and they went out with their chain saws, and they removed those trees so that people could get home; or if there was an emergency, they could get to the emergency relief.

And as the gentleman from North Carolina (Mr. ETHERIDGE) has pointed out, we are pleased that almost all of the power in these communities is now back on.

I want to talk about a few of the communities that I visited. My staff and I tried to go to every one of these 23 counties. It was a little difficult for me to get to all of them, but I got to maybe about eight or nine. But over in Northampton County, which was hard hit and out of power, we went to Jackson and to the emergency relief operation. They had just completed their building with help from the USDA rural development grant and loan and that building, they told me, was right on time. They had a generator there and they had power there, and they had some space for people to sleep. After about 24 hours, they needed about an hour's sleep and they could go in and get a little relief.

Over in Martin County I was pleased to go by and ride with a county commissioner, Mr. Lilly, and he took me into areas of that county where trees had blown across the highways. And he told me how the fire departments, even in the dark of night and early into the next morning, were out there with their chain saws. I said, well, how did they decide whose jurisdiction they were in? He said, Well, they did not worry about that. They just decided they would get together and work and solve the problem.

We went down to Bertie County, and the one thing that they were concerned

about, the county manager and the emergency personnel and the elected officials were all there at the center, and they said, We need generators because we are worried, they have a county-wide water system, we are worried about the water system. We have got some water, but we need generators to pump water into the holding tanks so we will not lose our water system, and they get contaminated.

In Hartford County we had similar situations and one of the churches just opened its doors. The National Guard brought a generator down to Mount Nebo, and they fed for 5 days; and the church just picked up the tab itself until they got some other people who gave food and allowed them to feed people who had no way of preparing their own food and many of whom had run out of money.

Mr. ETHERIDGE. Mr. Speaker, since the gentleman is talking about the number of meals, I was looking through my notes here, and I think it is a good point to share with my colleagues.

As these things happen, it is amazing what happens with our neighbors and friends and our first responders. In many of these areas, especially in the gentleman's area and down east, almost all of them are volunteers. They are very few paid fire, rescue and other folks. They were out working 24 hours a day really in some cases. As a matter of fact, in Franklin County we lost a volunteer firemen who was killed as a result of being out that night, hit by a tree.

My notes indicate, as of today, a note I just received from Secretary Beatty, the governor's person who is in charge of Emergency Management, Crime Patrol and Public Safety, that in North Carolina the volunteer groups and Red Cross and Salvation Army, the North Carolina Baptist Men, and I am sure a lot of these that you talked about in churches, probably are not in this number that had prepared meals. They had prepared 623,168 meals to people in eastern North Carolina.

That gives you some idea what the devastation was. For many of these folks, not only are they living in shelters; FEMA has had to move in portable trailers because their homes are uninhabitable as they try to work through it.

Mr. Speaker, I yield back to the gentleman.

Mr. BALLANCE. Mr. Speaker, this spirit of volunteerism, that was what impressed me most as I toured around these counties. And people who had trees to fall literally on top of their houses, well, I am thankful that it was not any worse than it was.

That kind of buoyed my spirits because when you go in and see the people and look at the devastation, it just touches you, and you have a feeling of, what can I do to help?

I am here because I want to let you know that those of us who represent you in Washington and those who represent you in the State of North Carolina and the Federal and the State and the local governments are all coming together to try to fix this problem.

We went to Gates County, and over in Gates it is amazing. It was one of the hardest hit counties. They lost all of on their electric power. They lost their telephone power, and they even lost their radio power. The only way they could communicate for a while was by cell phone, and then they lost their cell phone power. It was amazing. The way they figured out to do it was they got some signs, and as people would ride by, they would have on the signs where they could go to get ice and water and food and help.

I talked to the sheriff over there and he was telling me that he was so proud of not only his employees but every last person that came out and volunteered their time and said, What can I do to help?

He did tell me, and I hope I am not stepping over the line to say this, at one point he saw some power trucks coming through his community to head down to the coast. He started to pick up the next phone to say that the next one that comes through, I am going to hijack them and make them help. But he did not do that. He said he knew they were directed where to go and they had an obligation.

But for several days the community was cut off from the rest of the world, and they were left to their own devices of how they were to communicate. They were able to do it and they were successful. And after first striking out with DOT, they were able to get some of those battery-powered signs that they could put up and to help them with their communication.

Over in Washington County, another county that was hard hit and the power knocked out, the story is told of residents who could not travel down the main highways, but they had to use, instead, dirt roads on the farmers' farms, and the farmers were on standby with their tractors just in case someone got stuck and could not get through. That is the kind of spirit that this hurricane brought out.

But it was so devastating and there are still people who, even though they have their power, they have damage in their yards, to their homes, and it is going to be a long time before they can recover and get back to a normal life.

But yet I want to say that the emergency management, FEMA people, everybody that I saw as I traveled through was working just as hard as they could. And the private insurance companies, I am told, I did not see them, but I am told they came in and tried to set up stations and do what they could.

We have already talked about the agricultural loss, $168 million loss of prospects. We grow a lot of peanuts, a lot of cotton and corn. We do not know yet all of that damage that has taken place, but yet we are hopeful that we are going to come through. And we had eight counties in this district that were initially not declared, Greene, Lenoir, Vance, Warren, Nash, Granville and Wilson; and I understand they have been and are being added to the list and they can get some relief. That will take some of the pressure off of the local government.

Mr. Speaker, I want to come back later and talk about one little community in Bertie County, Colerain, and the fishery that was destroyed down there, but I will yield to the gentleman at this time.

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Mr. ETHERIDGE. Mr. Speaker, reclaiming my time, I just have gotten a copy of a document from Department of Homeland Security and FEMA where those counties have now been declared part of this disaster area.

I now want to yield to my colleague, the gentleman from the 4th Congressional District (Mr. PRICE). When he was talking about being without power, he and I remember very vividly, as busy as we were with Floyd, Fran hit us real hard, and I will never forget being out of power for a week. One of the things I always said, you really knew who your friend was then. It was the people who shared ice with you in September when it was really hot, but that being said, we need not forget tonight that a lot of these people in eastern North Carolina, even though we have got FEMA there working, all of our friends working, there is some insurance available, there is going to be a lot of hurt and need, and we are going to need to work together to make sure resources are available because, if not, some of these communities, as total communities, will have real problems continuing to exist, and a lot of our agricultural friends will not be able to make it. There is not enough insurance. The State's going to have to come up with about a 25 percent match. I think these are the kind of times when our States face some tough times, but the gentleman from North Carolina (Mr. PRICE) has been there every step of the way helping in this, and I want to thank him, and I yield to him now for his comments.

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentleman for yielding to me and for taking out this special order tonight. It is a real service, I believe, not only to the people of North Carolina but to our fellow citizens across this country to point out the dimensions of this disaster and to point out the human needs and to line out what we in the Congress, and in government at all levels, are going to need to do to meet this challenge.

I also thank the gentleman from the 1st District (Mr. BALLANCE) for his words. He is a fine Representative for that part of North Carolina and has shown that once again in these recent days by being out there with his people, assessing the needs, offering words of support and comfort and coming back here to fight for the support that is needed.

So we are facing, once again, a challenge. As the gentleman indicated, it is one that we have had some personal experience with. North Carolina has had more than our share, it seems, in recent years of these kinds of disasters, I believe, being days without power in the aftermath of Hurricane Fran, days without power in very cold weather last December with the ice storms. This time in our area it was only a little over a day without power; although I think most of us did spend most of our weekends, the last couple of weekends, cleaning up debris and getting our property back in order.

The fact is that to the east of the 4th District and of the 2nd District, the devastation is far worse, and we understand that, and we understand the need for all the members of our congressional delegation to pull together and to look out after our friends and neighbors in eastern North Carolina, particularly the northeastern part of our State, an area which the gentleman from North Carolina (Mr. BALLANCE) represents so well.

We are mindful also of the needs of our friends in Virginia, in Maryland, in all the States and counties along the path of this devastating storm, Isabel.

Once again, we are facing the daunting challenge of recovering from a major hurricane. It has devastated our coast in North Carolina. It has caused major damage to homes and public facilities. It has displaced thousands of families. Preliminary damage assessments indicate that at least $55 million in damage costs have been incurred by local governments. The losses to individuals are still being determined, but that is going to be a very high number. Agricultural damages are over $160 million, and that number also is very, very likely to climb.

Twenty-six of North Carolina's counties have been designated as disaster areas. We are almost certain that 10 more will be added and perhaps more after that.

As with Hurricane Floyd and Hurricane Fran, the North Carolina congressional delegation is already working together to support the State's recovery efforts in every way that we can, and as my colleagues have expressed tonight, we are very, very grateful for the partnership that we have experienced with Federal agencies being on the scene, State agencies, local governments, volunteer groups, congregations, civic-minded individuals, people who have demonstrated once again the importance of reaching out to those in need, the importance of that value of community, that notion that we are all in this together and that when adversity strikes a portion of our community, we have all got to do our part to make the community whole.

The Federal relief agencies, of course, we in the Congress pay special attention to, and I am happy to say that they have been on the job. This storm did give some ample warning. We had actually very accurate predictions this time of when this storm would arrive, and where it would go, and FEMA and other Federal agencies were on the ground as the storm approached. That is also true of our State agencies. They came in before the storm. They have remained in the State, and they have worked together cooperatively. I think we can be proud of the Federal-State-local cooperative effort, the public-private cooperative effort that this storm has brought forth. Once again, adversity sometimes brings out some of the best aspects of our communities, and we have experienced that.

Most of the Federal assistance, Mr. Speaker, is going to come through FEMA's regular disaster assistance programs. They will pay 75 percent of the costs borne by the State and local governments associated with the disaster. In the worst hit counties, FEMA will make special assistance available to individuals. They will help make repairs to their homes and for other immediate needs.

Congress replenished recently FEMA's disaster account by some $1.4 billion through two supplemental appropriations bills. This funding was provided in response to an administration request based on disasters in other parts of the country earlier in the year. Unfortunately, the money that Congress has thus far provided does fall short still of the administration's request, and the administration's request itself was not intended to cover Isabel or future disasters.

So, once again, we have a disaster coming in the period between two fiscal years, and we have some important questions we must address about the funding that is available from existing resources and also the funding that is available in the fiscal 2004 Homeland Security bill. That bill, by the way, was signed by the President today in a very impressive ceremony over at the Department of Homeland Security. That bill contains funding for FEMA, money that we are going to have to draw on.

I am not sure the money in that bill will be sufficient to carry us through the next fiscal year. In fact, I am fairly certain that it will not be because there are surely more disasters to come, and we are still in the midst of assessing the costs for this disaster.

I spoke last week on the House floor, Mr. Speaker, about the shortfalls that could occur in the disaster relief accounts and the impact of such shortfalls on disaster victims. Our colleagues know that when the balance of these accounts begins to shrink, FEMA is obligated to stop the flow of relief to ensure that they have enough funding to help victims of disasters that might be just around the corner.

So I am determined, Mr. Speaker, that we are not in this case going to put either FEMA or the victims of Isabel in that kind of position. I am a member of the Appropriations subcommittee that funds FEMA, and I am already conferring with that agency about the status of their disaster account and whether or not it has sufficient resources to also cover the needs resulting from Hurricane Isabel, and we are going to assess that in very short order. We will be working with the administration and with the Congress to act quickly on any supplemental spending requests, if they are needed, so that the disaster relief account has adequate resources, and FEMA assistance is able to flow quickly and efficiently to North Carolina and to other affected areas.

There are other disaster-related programs, Mr. Speaker, at the Department of Transportation, at the Natural Resources Conservation Service, at the Small Business Administration, and they are also going to need to be tapped. So we will need to keep an eye out for those programs as well.

As we get more details about the agricultural losses, and I know that our colleague from the 2nd District is in a particularly good position to assess that, because of the nature of these districts and also his service on the Committee on Agriculture, we will need to work with the administration and our colleagues in Congress to provide relief to farmers, as we normally do following major disasters.

So we have a lot of work to do. There is a lot to be heartened by, the kind of human sympathy and compassion that has been displayed in the face of this awful disaster, the kind of cooperation we have seen among governmental agencies and private organizations, but there is a lot of work yet to do.

We are going to need to cooperate with Members from all over the country, but particularly with Members from Virginia and Maryland and other affected States, and we are going to need to work across party lines, with the administration and with each other, to ensure that the Federal Government is a full partner in this effort, that it does all that it can do and all that it should do to aid in this recovery effort.

So I am appreciative, Mr. Speaker, of the chance here tonight to join with these colleagues and to highlight some of the needs and to serve notice that we are going to be working as hard as we know how and as cooperatively as we can possibly manage, to address these needs in the weeks ahead, and I thank my colleague for giving us the chance to make our case and to look toward the challenges facing us in the future.

Mr. ETHERIDGE. Mr. Speaker, I thank my colleague for not only joining us this evening but, more importantly, for his leadership and his hard work on the Committee on Appropriations, as we work through other issues dealing with a host of other issues. I remember the challenge we had with Hurricane Floyd, which was one of the most devastating things we dealt with in FEMA, and you were there carrying a full load and a half, and we appreciate that and all your efforts, and I

thank the gentleman for his leadership in this area, and I know the people of North Carolina appreciate it as well and others across the country because I think you appropriately pointed out, and I thank you for that, it is really when one part of the country is affected, all of us as Americans are affected and as tax-paying citizens.

I want to express again my appreciation to our friends in North Carolina at the Emergency Management. I was there on Wednesday evening late, and again Thursday morning for the briefings, and I would encourage my colleagues in the Congress, if you have not been to visit the folks, you ought to go by and visit them. It is kind of hard to say you ought to go when they are having an emergency, but when you have got an impending disaster, to see all these groups come together, FEMA, the power companies, the different areas, the National Guard, the Red Cross, all these different volunteer groups who are in the same meeting and they get all the briefings on the weather, et cetera, and each one has to report what they are doing, where they are throughout the day, as they get ready, as the storm is approaching.

I did that on Thursday morning and then went down to Fort Bragg which was the staging area for FEMA where they brought in something like 19 or 20 trailers loaded with fuel. That just happened to be one of many staging areas in North Carolina. They were ready for the storm to hit, and as soon as it hit and they could get in, they started disbursing things. It shows that I guess in North Carolina, we have been through it a lot, and they sort of know how to get ready, but so does a lot of other parts of the country. It is a great tribute I think to how we work together to get things done, Federal, State and local, and we can work together when we need to, and I appreciate that.

I know on Friday morning after the storm had hit and such devastation was out there, I joined with the interim Agricultural Commission to fly around the State to take a look at not only the home loss and road damage, but also agricultural damage. And we flew over to Lewisburg and Rocky Mount, Roanoke Rapids over by Hoskey, landed in Elizabeth City where they had no power. Everything was being run by a generator. Part of the buildings were gone, as you can appreciate in a major hurricane, and back over Edenton, a beautiful city right there on the Sound and back into the Raleigh, and it almost breaks your heart to see these, as we know, the really colonial towns that took such a hammering in the storm.

Mr. PRICE of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. ETHERIDGE. I yield to the gentleman from North Carolina.

Mr. PRICE of North Carolina. Mr. Speaker, the town of Edenton, North Carolina, is a beautiful town. At one time, it was capital of North Carolina. It took a devastating hit in this storm, and the previous high-water mark, I think, was probably Hurricane Hazel in the 1950s, to say nothing of Fran and Floyd later, and this storm in that part of North Carolina topped all of those. The damage was far greater, and so it is important to stress that while the Outer Banks are hurt very badly, and there has been a great deal of attention focused on that area, and that carries with it, of course, a lot of agricultural damage, those inland areas in northeastern North Carolina are hit fully as hard and have a huge challenge in this road back.

□ 2030

Mr. ETHERIDGE. Mr. Speaker, I thank my friend and colleague, the gentleman from North Carolina (Mr. PRICE), for all his hard work and for those remarks. He is absolutely correct.

Mr. Speaker, I would now yield to my colleague, the gentleman from North Carolina (Mr. BALLANCE).

Mr. BALLANCE. Mr. Speaker, I thank my colleague for yielding to me, and I too want to thank the gentleman from North Carolina (Mr. PRICE). He mentioned the SBA. We know that 75 to 80 percent of all of our businesses in this country are small businesses.

One of the problems that we are going to have in this devastated area is that a lot of these small businesses are wiped out and they are going to have difficulty cranking back up. Some of them did not have insurance. I want to just mention one. This is not necessarily a small business, Perry-Wynns Fish Company, out on the Chowan River, in a little town called Colerain, not far from Edenton. They had seven buildings there on the river, and every last one of them was blown down.

Mike Perry was searching through the debris looking for his whistle he blew at the end of every workday, and he could not find it. Hopefully, by now, he has found that whistle. He said he had $2 million worth of property that was not insured, but he said he is going to rebuild. He is going to back up a little bit from the river and rebuild and start again.

I think that is the spirit that we are going to see in a lot of our small businesses, whether they had insurance or whether they did not have it. The attitude that I saw is that we are not going to let this defeat us. We are going to get right back in the game. We are going to start our business back. We are going to serve this community as we have done in the past.

One of the other items I want to mention is, as the gentleman has said, we were able to predict this storm with great accuracy. One of the things I think we are going to have to do in the future is to stockpile, at least in certain strategic areas, generators. Somebody mentioned to me that maybe firemen ought to have as part of their issuance in rural North Carolina a chainsaw, so that they can put it on their fire truck and have it as part of their standard equipment, because we have a lot of trees, a lot of pine trees and other trees in this area, and they need to remove those.

But I want to close on the point of again saying how much I admire and still admire all of our citizens and all of our people in the community and all of our first responders and all of our FEMA people for the spirit that was displayed in the face of all of this devastation. Everybody was upbeat and ready to go and ready to help.

Mr. ETHERIDGE. Mr. Speaker, reclaiming my time, and then I will yield back to him, because I think that is important to remember.

The gentleman mentioned our firemen and others who used chainsaws. So many times when we think in terms of our first responders, emergency folks, the EMS people who save lives and go out, we fail to realize they do more than that. They are doing other things in the community, especially our firemen, and especially in rural parts of this country.

I remember as a small child growing up in rural eastern North Carolina seeing a tobacco barn burn, because that is where I grew up, and I will never forget watching it burn. There was nothing my parents could do. And I am sure they did not have insurance on it. And the gentleman knows exactly what I am talking about, as he grew up there. What a frightening thing that was as a child. And I had no concept, as small as I was, that that was part of the year's income for the family and that was going to be devastating for the family in terms of the economic loss. But to see that fire as it moved, and there was nothing you could do, absolutely nothing.

Then we started to form volunteer fire departments, and they had just trucks. And today we call on them to do more than that. In this flood they did not have to put out a fire; they were saving people from flooded buildings. They were going in with their heavy equipment where they could and getting people out of buildings, as were our emergency personnel. We call on them to do more and more. And we in this Congress, I think, beyond FEMA and the things we need to do, should not forget that we have a partnership with these local volunteers, Federal, State and local, to help them and their families. Because they are giving an awful lot of time in emergencies. They are at the table. They are called to be at the table.

Our National Guard folks in North Carolina, we called them up, what few we had left. About half of them had been called up for Iraq, but we called up something like 800 to 1,000. And we still have tonight, I understand, somewhere in the neighborhood of 220, 230 still on duty in different places of the State, especially in eastern North Carolina where they are still trying to continue to move things before they are deactivated.

And, Mr. Speaker, I yield back to my colleague.

Mr. BALLANCE. Mr. Speaker, I join my colleague in those sentiments. Many times we do not even say thank you collectively to this group of people. They do not ask any questions. They are sort of like soldiers. When they see a problem, they just grab their equipment and go; and the community depends on them. We depend on them, and they save the government a lot of money. We hope that in some way we can figure out how to make available to them at least some types of equipment.

I heard, as I mentioned earlier, I heard the word ''generator'' mentioned over and over again. Hopefully, we can figure out a way to make some funding available to these small towns, rural areas, to have generators available to them when these crises come into the community. They can at least keep the water system and the sewer system going until we can get the power back on.

Mr. ETHERIDGE. Along that line, Mr. Speaker, as we were talking about our volunteers, we have a bill in, as the gentleman well knows because he is a cosponsor of it and which I introduced, to provide a benefit. This fireman that lost his life in Franklin County may have very well have been eligible as a volunteer for the death benefit for those who are saving people's lives or helping save lives and ultimately give their life in that regards. That is something this Congress can do. I think currently we have about 276 Members who have signed that piece of legislation. Last time I checked, it takes about 218 to pass it. I hope we will move it.

Mr. BALLANCE. Mr. Speaker, let me thank the gentleman again for organizing this Special Order tonight and thank him for that bill. I am very proud to be a part of it and am hopeful that it will come to fruition.

Mr. ETHERIDGE. Mr. Speaker, I thank the gentleman, my friend from the first district, for joining me this evening in this Special Order and to share with our colleagues here what North Carolina has gone through. And it is not just North Carolina when a hurricane hits. This one hit in North Carolina, but bad storms do not really know where county lines or State lines are; they just keep rolling. In this case, it rolled right through Virginia, where there was tremendous devastation in Virginia and in Richmond; and it rolled up into Maryland and the District of Columbia, where we saw power lines down, and we have seen here recently where people lost power and there was a fear that we would have flooding on a scale here in this city unlike what we had seen since the 1930s.

So it was a devastating storm that caused immense damage and a lot of heartache and loss of life. And the loss of lives were substantially more in Virginia and Maryland as it moved up the coast. Lives were lost, and the storm caused hundreds of millions of dollars in damage to homes, roads, crops, and livestock. In North Carolina, I have to add beyond livestock, poultry too. We sort of think of that as being a little different.

The truth is many of these people that lost, even though FEMA is there helping and they have some insurance, they will not be made whole. They are coming up short. And the shame of it is that for many of them they had the flood in 1999, some of them did, the drought hit them last year, and now they have gotten a real bad body blow this year with another storm. I have talked to a number of the farmers and the interim commissioner of agriculture, and he is afraid some of these people just will not make it. And it is not because they are not good folks, they are not good farmers, they are not good people. It is just the fact that nature has hit them hard.

I hope that FEMA and the Department of Homeland Security, the administration, and certainly this Congress, recognize the need to support these storm-damaged areas through recovery and rebuilding, not only just on the outer banks of North Carolina, as we suffered in our State, but in Virginia, Maryland, the District of Columbia, and other places in Pennsylvania and up West Virginia, matter of fact, traveling all the way into Canada. I do not really think we are going to reach to Canada, but certainly we want to help our people here at home.

The United States has an outstanding and a very commendable record of responding to disasters around the globe. We are usually the first ones there. But I think now we need to respond with the same kind of effort and the same level of enthusiasm when disaster hits here at home. These are our neighbors. They are our friends. They are taxpaying citizens of the United States of America. And as my friends and colleagues have pointed out, they are not looking for a handout. They do not want that. They want an opportunity to get back in business, to get their lives back in order, and to once again be contributing taxpaying citizens of America.

They will do it. But they would do it a whole lot quicker if we could help them. North Carolina is suffering through one of the toughest economic times we have seen in a long time, and I commit to my colleagues that we are going to join hands and ask all our other colleagues from North Carolina and across the aisle, because these people in North Carolina need our help, and in Virginia and Maryland. It is our obligation, in my opinion, to make sure the job gets done.

Let me thank my colleagues one again, the gentleman from North Carolina (Mr. PRICE) and the gentleman from North Carolina (Mr. BALLANCE), from the first district, whose district really was hit hard. Very hard. I think I only have about three counties, well four, Vance, Franklin, Nash, and possibly Sampson may be put in that group that have been declared disaster counties. Others may be added. At least one more. But it is tough.

I remember going through Floyd, when almost all of them were in it, and it is tough to see people lose everything they have. I remember when I went in the Rocky Mountains, and the lady was sitting beside the road trying to go through a family Bible. It was wet, and that was all she had been able to save because that had her family photographs in it. These are the kinds of things that happen. These are the things you cannot replace. But we sure can help them get their lives back in order.

I thank my colleagues for their help in this Special Order this evening. We will keep our colleagues up to date on what is happening in North Carolina and with our friends in Virginia and Maryland.

PARTIAL-BIRTH ABORTION BAN ACT

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida). Under the Speaker's announced policy of January 7, 2003, the gentleman from Minnesota (Mr. KENNEDY) is recognized for 60 minutes.

Mr. KENNEDY of Minnesota. Mr. Speaker, I am pleased to say that there is finally light at the end of the tunnel in what has been a long battle. Tomorrow, the House is poised to pass the conference report on S. 3, the Partial-Birth Abortion Ban Act of 2003. This conference report represents several years of hard work on the part of the Congress to produce a bill that passes constitutional muster.

Since 1995, State legislators in both Houses of Congress have passed laws with broad bipartisan support banning this barbaric procedure. Although successful in 31 States, twice bills passed by Congress to ban partial-birth abortion were vetoed by President Clinton. However, I am happy to say that President Bush has indicated that he will sign this bill into law and ban what he calls this abhorrent procedure that offends human dignity.

We have several Members here joining me to speak on why this needs to happen, and I want to first yield to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding to me; and more importantly, I thank the gentleman for hosting this critical Special Order on the eve of some extraordinarily good news for the right to life in America.

As the gentleman from Minnesota just suggested, it is astonishing to think how long it has taken this Congress to address this issue, literally first coming to the floor of the 104th Congress on November 1, 1995. That was the day that Congress first considered the Partial-Birth Abortion Ban Act. And here we stand in October of 2003, 8 years almost to the day since; and we

are on the eve of this legislation actually becoming law, passing a conference report that will go to a President who, unlike the past administration, will not veto this ban of this barbaric procedure, but will sign it with the humility and the gratitude of the American people in his heart.

□ 2045

Mr. Speaker, partial-birth abortion is truly an antiseptic word to describe a barbaric procedure, and I believe it is important as we begin this conversation today to reflect however briefly on the barbarism of this procedure, aided as we are by some less-than-graphic images, but nonetheless effective.

What is described in these images, hopefully tastefully, for families that may be watching across the country, happens several thousand times a year. Healthy mothers carrying healthy babies in the fifth or sixth month of pregnancy undergo a procedure which has come to be known as partial-birth abortion. As is depicted in these images, a doctor inserting the forceps forcibly causes the unborn child into a breech position in the birth canal, feet first for lay people like me.

After that with the assistance of the forceps, the child is then forcibly pulled out, delivered breech through the birth canal out of the mother by his or her leg, and once the child is removed from the birth canal, at least until the base of the head is available, the procedure is quite horrible in and of itself, but it becomes fitting to refer to it as barbaric from there, for here, as I emphasize, Mr. Speaker, children who in most cases would be able to live outside the womb, literally inches from birth, are then held in the birth canal, stabbed at the base of the back of their skull and the contents of their brains forcefully removed by a suction vacuum device. Once the head is collapsed, the remains of the unborn child are removed.

It is no small wonder that that liberal lion, the late great Senator Daniel Patrick Moynihan, referred to this procedure as ''near infanticide.'' Tonight, I know we will hear from many of our colleagues, and the gentleman from Minnesota (Mr. KENNEDY) who chairs this Special Order, we will hear arguments about constitutionality and about why this law which will come to this Chamber tomorrow and go to the President's desk within days is superior to laws which have been challenged successfully at the State level at our own Supreme Court.

But I would like to begin our Special Order tonight with none of those arguments, none of the discussion about constitutionality or endorsements, or even that the American Medical Association said that ''this procedure is never the only appropriate procedure, never medically necessary.'' I would rather begin tonight by suggesting that what is not arguable to the overwhelming majority of the American public is that this practice is inherently, morally wrong.

What is not arguable is the practice of delivering an unborn child feet first and holding it in the birth canal while the back of its head is stabbed with a suction device is evil. That is not arguable. What we will render unlawful tomorrow and then with the President's signature is what virtually every American knows in their heart is evil and morally wrong, and so the polls attest to that moral conscience of the American people.

As I yield back to the gentleman, I am mindful of that Bible verse that whatsoever you do for the least of these, you do for me, the Lord tells us. And I submit what we will do in this Congress tomorrow, banning this barbaric procedure known as partial-birth abortion, is the least we can do for the least of these.

Mr. Speaker, I thank the gentleman for yielding, and I thank the gentleman for his leadership on this critical issue on the eve of such an important legislative accomplishment.

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank the gentleman from Indiana (Mr. PENCE) for clearly and crisply outlining why we find this procedure so abhorrent and why we find it important to pass this tomorrow.

Since I had a young nephew that was born less than 2 pounds, a pound and then some, sadly, three to 5,000 young children, most of them, many of them bigger than my nephew was born, have lost their lives through partial-birth abortion; and it is time that we end this. It is deplorable that a country like ours which was founded on the respect for life has continued to allow this terrible practice.

Mr. Speaker, I yield to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, no matter where we stand on the abortion issue, most Americans agree the brutal and horrific practice of partial-birth abortion needs to end. In previous Congresses, legislation to ban partial-birth abortion has been thwarted by Presidential veto. This year President Bush will sign this bill into law, making it the first abortion-limiting law on the books since Roe v. Wade was enacted.

This is truly a historic moment and a milestone for the rights of the unborn. This is also a historic time for this Congress. We have listened to the will of our constituents, and we hear them loud and clear. They demand a ban on partial-birth abortion. According to a recently Gallup Poll conducted earlier this year, 70 percent of Americans favor a law which would make this procedure illegal except in cases necessary to save the life of the mother.

The outrage over this grotesque practice is nothing new. The American Medical Association has said, ''The partial delivery of a living fetus for the purpose of killing it outside the womb is ethically offensive to most Americans and physicians. It degrades the medical practice and cheapens the value of life.''

As a husband and father of four beautiful children, I have a deep respect for the sanctity of life and the miracle of childbirth. I have been at every one of my children's births, and what the gentleman from Indiana (Mr. PENCE) described as having to stop the head of a child because if it comes out, you cannot kill it, you have to stop the head, and to stick a device in the back of the head and suck the brains out should not happen in the United States of America or anywhere else in the world. There is no place in a civilized society for this horrific act.

This evening we can take solace in the fact that the nightmare of partial-birth abortion will soon end. I urge my colleagues to vote in favor of the conference report.

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank the gentleman from Oklahoma (Mr. SULLIVAN), and he and I are not alone in the position that this should end. A Gallup Poll conducted in January found that 70 percent of those surveyed favored banning this horrible procedure. Even doctors agree on this point. The overwhelming share of doctors believe this procedure is not necessary. The partial-birth abortion procedure has been labeled as not good medicine by the AMA. Respected medical professionals like former Surgeon General Everett Koop testified in 1996 that partial-birth abortion is never medically necessary to protect the mother's health and future fertility.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I rise tonight in great anticipation of a historic action we will be taking tomorrow in this House. Tomorrow we will vote on a conference report that will ban the cruel practice of partial-birth abortion. With the passage of this conference report, we will finally eradicate a brutal practice that is inflicted upon the most innocent of our society, the unborn.

I am not going to outline the gory details of this practice, because others have done that; but I will say that medical experts have repeatedly testified that fetuses are fully able to feel pain after 20 weeks of development, the time at which most partial-birth abortions take place. Thus, these babies are fully able to feel the terrible pain that is being inflicted upon them.

Opponents of this bill argue that it is unconstitutional because it does not provide an exemption for when the health of the mother is at risk. I would point out that health experts have testified time and time again that a partial-birth abortion is never needed to save the life of a mother. In fact, the American Medical Association has stated that this procedure often poses a serious health risk to the mother.

Mr. Speaker, life is the most precious gift and opportunity we are given as human beings. Robbing children of that opportunity is wrong, wrong, wrong. Three times the House of Representatives has passed a ban on partial-birth abortions. President Clinton vetoed it twice, and last year the leadership in

the other body refused to take up the bill. We finally are presented with an opportunity to take a giant step forward in banning this gruesome practice. President Bush has said he would sign a ban on partial-birth abortion, and I encourage all Members to vote for the conference report tomorrow, and finally we will put an end to a violent attack on our most innocent citizens.

Almost 3 years ago when I started to run for office, I told the people of the 9th Congressional District of Pennsylvania that it would be a great day in America when we passed a bill banning partial-birth abortion. Tomorrow it will be a great day in America.

Mr. Speaker, I thank the gentleman from Minnesota (Mr. KENNEDY) for putting this Special Order together, and God bless America.

Mr. KENNEDY of Minnesota. Mr. Speaker, even the strongest abortion rights supporters have a hard time defending this procedure. In four of the last five Congresses, Congress has passed a partial-birth abortion ban by a two-thirds majority. Instead, abortion rights supporters insist this procedure is rare and used only in the most extreme positions to avoid serious physical injury to the mother. Nothing could be further from the truth. Hundreds of obstetricians have stated they regularly treat women for medical conditions used to rationalize partial-birth abortions, and these babies are regularly delivered with no threat to the mother's health or future fertility. These medical reasons include depression and other treatable conditions like emotional trauma, psychological problems, and age. While these may be serious, I do not think that they warrant the life of an otherwise healthy unborn child.

Even Dr. Martin Haskell who has performed more than a thousand of these abortions has stated that 80 percent of those were purely elective, meaning the health had nothing to do with it. What is most disturbing is that multiple doctors have testified that this procedure is typically done on healthy women with healthy unborn children after 20 weeks when a baby can often survive without assistance for hours outside the womb.

Mr. Speaker, I yield to the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Speaker, I rise today to show my support for the partial-birth abortion ban. On June 5, I stood in these very Chambers and took the oath of office to be sworn in to the 108th Congress. I said at that time while I was on the floor that the only regret I had was that I was not here the day on June 4 when this body passed the partial-birth abortion bill and sent it to the Senate. I said that day I was looking forward to tonight and tomorrow when we are going to have an opportunity, I will have an opportunity to cast that very vote, that very important vote.

Mr. Speaker, we have been at war in this country for many years. Americans are working hard today to stop the killing fields in Iraq, and tomorrow we are going to stop the killing fields in America.

□ 2100

These cultural wars have divided our country. Yet our desire for respecting life will win out tomorrow.

The issue of abortion is a very personal and emotional one that requires considerable reflection. I believe the sanctity of human life must be honored and the rights of the unborn need to be protected.

I believe that some women are not ready for the enormous responsibility of motherhood, and that is the reason that we need to make sure that we make other options available to them. And the parents should play a very active role in helping, sometimes, children make these very important decisions.

I know that during the Clinton administration, the President vetoed this bill twice, and I am happy to be working with a President who once and for all will sign this bill into law. I know my constituents would certainly like to see this practice banned, and I intend to watch this happen on this floor tomorrow.

No compassionate person wants to see a woman suffer the personal tragedy of abortion. Women deserve better than partial-birth abortion. The argument that partial-birth abortion provides some benefit, even in tragic cases, is false, and women should not have to bear the psychological burden that is the result of such flawed reasoning.

Women who experience abortions also experience the psychological pain of being present at the destruction and disposal of their babies, suffering that is virtually incomprehensible to anyone who has not experienced it. What is more, many women look for a way out at the last moments before an abortion, by whatever method, but their appeals are sometimes disregarded. This is especially true when many of those are sedated during this procedure.

We stand on the precipice of a great victory for the pro-life movement tomorrow. By committing to our children, we are investing in the future of America and the future greatness of our proud country. I appreciate this opportunity to speak on behalf of this bill.

Mr. KENNEDY of Minnesota. I thank my friend from Texas.

I would just remind us to keep in mind that under Federal and most State laws, a live birth is when a baby is entirely delivered from a mother and shows any sign of life, regardless of whether or not it has yet reached the stage where it can survive independently of the mother. Under the doctrine set by the Supreme Court, such a baby, no matter how premature, is a person and is protected under the law. Even worse, scientists have shown that babies at such a stage certainly experience great pain during partial-birth abortion. On this fact alone, we should ban this procedure.

I yield to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. I thank the gentleman for yielding.

Mr. Speaker, you may recall that I stood here in June to tell the story of little Samuel Alexander Armas, the little boy who was operated on at 21 weeks for his spina bifida condition. Baby Samuel's famous grasp of the doctor's finger as he reached out of the mother's womb gave us all a new and profound gratitude for the miracle of life. And now, Mr. Speaker, just this month, doctors in England have recorded the smiles of unborn children at just 24 weeks through advanced ultrasound. I would ask you, Mr. Speaker, without this legislation, how many smiles will we miss having the privilege of sharing?

But, Mr. Speaker, an historic day is nearly upon the United States Congress, for tomorrow we will extend the hand of hope to the unborn. We will vote to protect unborn children from this unspeakable and horrifying procedure called partial-birth abortion.

Seven years ago, such a bill was first passed by Congress, but then, tragically, it was vetoed by President Bill Clinton. Since then, unborn children numbering in the thousands have been unmercifully killed by this barbaric, nightmarish procedure. There is no greater mark of shame or disgrace upon the Clinton administration.

But now, thankfully, Mr. Speaker, this Nation has a new President, and President George Bush will sign this bill into law and a new day will have dawned in America. Because even though this bill will not protect the other 4,000 unborn children that die each day in America from abortion on demand, it marks a turning point in the soul of this Nation, because it points to a day when that warm sunlight of life will finally break through the clouds and shine once again on the faces of unborn children in this country.

When that day comes, and it will, Mr. Speaker, history and coming generations will remember that it was George Bush and Members of this Congress who found the courage to reach out and take the tiny hand of an unnamed baby and refuse to let go until the storm was gone.

Mr. KENNEDY of Minnesota. I thank the Member from Arizona.

Partial-birth abortion, it is often said is there, to try to help the women's health. But so often it is detrimental to the very things that people say it is trying to help. So often women suffer from depression and psychological stress after having performed this procedure. So this again is something that we need, as a Congress, to act on tomorrow.

I am pleased to yield to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, I would like to do something just a little different

now and step back just a small amount from our debate. Sometimes it is good to step back and see the forest.

And so what I would like to do would be to ask a question of those of you who are paying attention to this rather grave moment in the history of our Nation; and that is a very simple question. What is it that has made America, America? What was it that caused people from every nation and every tribe and all over the globe to come to this great land and live in a land where there is prosperity and freedom? I understand there are the detractors, but all of the paths across our borders that are being beaten by immigrants tell the story that there is something special about America.

What is that special thing? If somebody put a camera in front of you and said, what is it that makes America a special place? How would you summarize in one sentence the essence, the formula that is America?

If it were me, I would look back to the document of our birthday, to that great second paragraph of the Declaration of Independence, a long sentence. It says, ''We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.''

The sentence goes on from there and says that the purpose of government is to protect those God-given rights: life, liberty and the pursuit of happiness. That means that there is a very simple formula that is the heart of America: There is a God, He grants us unalienable rights, and the job of government is to protect those rights.

If the government does not protect those basic rights of life, liberty and the pursuit of happiness, gentlemen, we have failed in the basic function of why we were here in the first place. We might as well jump on our airplanes and go home and stick our heads in the sand, because that is the purpose of why we are here.

There are some people today who would say, I don't like the formula, I don't agree with that, I don't think there is a God that gives unalienable rights. There were people in those days, we called them Tories, who felt that way as well. But they did not win.

America was built on that basic set of ideas. As we have gone along in time, that set of ideas has proven the test of time and we have been blessed with freedom and prosperity.

But there have been those, those days which I think of as pages in our history that we are not as proud of. There are some gray days in our history. One was in some of our relations with our own brothers, the Indians. There was a Trail of Tears of the Cherokee people that was a gray page in our history.

In the mid-1800s, there was an even grayer page as our Nation grappled and dealt with the terrible scourge of slavery in this land. At that time, the first President of my political party, the Republicans, took charge and under his administration saw fit to try to get rid of those dark pages in America's history.

And then we moved forward to the time when I was born, and unfortunately during the time that I have been alive, the blackest page yet in American history was opened in the process of abortion, where we denied the most basic tenet of what makes America, the right for people to be alive, because if you are not alive, it does not do any good to have freedom of speech or freedom to own property or any other right if you are dead. And of these practices of abortion, the worst, the most obviously evil, is this practice of partial-birth abortion.

As an ironic history, as a matter of fact, some pro-lifers brought it to the attention of the media and the media said, Oh, that couldn't possibly happen. They checked with the pro-abortion people. Oh, that doesn't happen. Then the media found out that they had been lied to.

That is the only thing that seems to make the media really mad is when they get lied to. So they started to let people know what this practice of partial-birth abortion is. I did not like biology very well, and the pictures that I see of it I can hardly stand.

Consider that there is a child that has lived 9 months, he is instants away from taking his first breath of fresh air, of freedom and we are going to poke a hole in the back of his skull and suck out his brains. It makes me sick. It made a lot of other Americans sick as well.

And so it is now that we come to this momentous time, tomorrow, when there is a possibility that we can close again a dark page of America's past. We can close the page on the nightmare of partial-birth abortion. And we can once again reaffirm those truths that we stand by, that there are basic rights given to all mankind everywhere by our God and that the most basic right of any government is to protect the life, that precious life made in the image of our Creator, the life of our little children.

Mr. KENNEDY of Minnesota. I thank the Member from Missouri. I thank him for calling us all back to our roots, to what this country has always stood for, what this country was built upon, the respect for life, liberty and the pursuit of happiness.

I would also like to call on the gentleman from Texas (Mr. BURGESS) for his remarks.

Mr. BURGESS. I thank my friend from Minnesota for showing the leadership of gathering this special order tonight.

Mr. Speaker, I wanted to speak out tonight to express my strong support for the passage of the conference report on the Partial-Birth Abortion Ban Act of 2003. As a physician who has dedicated over two decades of my life to the practice of obstetrics, I believe this unnecessary procedure should be banned.

I have delivered over 3,000 babies. I am personally opposed to abortion; but in particular, the only reason to select the partial-birth abortion procedure is to ensure one thing, and that is that you have a dead baby at the end of the procedure.

As a physician, I recognize that serious complications can occur during the last trimester of pregnancy. However, if the mother's health dictates that the pregnancy must be concluded and a normal birth is not possible, deliver the baby by C-section. Whether the infant lives or dies is then determined by the severity of the medical complications and the degree of prematurity. But the outcome is dictated by the disease process itself. The fate of the infant during the partial-birth abortion procedure is predetermined by the nature of the procedure and is uniformly fatal to the baby.

During my two decades of obstetrics, with my share of high-risk pregnancies, I never, never encountered a situation where the partial-birth abortion procedure was required. I believe it is an inhumane act that is not ever medically necessary.

The procedure itself, always fatal to the baby, carries risks for the mother as well. Partial-birth abortions are done in the third trimester, and at that point, the child has all the characteristics of what we normally associate with a healthy newborn. Through the use of technology, prospective moms and dads have the opportunity to see how life develops before birth. Parents can now watch the beating of their unborn child's heart as early as 21 days after conception and can see the movement of the child's arms and legs at 3 months.

□ 2115

In 1995, a panel of 12 doctors representing the American Medical Association voted unanimously to recommend banning the partial-birth abortion procedure, calling it ''basically repulsive.'' I agree with the AMA that it is repulsive, and, moreover, it is unnecessary. I strongly support the passage of the conference report to the Partial-Birth Abortion Ban Act of 2003. Just like my good friend from Missouri, I believe that the United States Constitution is very clear when it guarantees a right to life. Partial-birth abortion has no place in a civilized society. Thankfully, after tomorrow it will no longer be around.

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank the gentleman from Texas, and with great authority with his medical experience he speaks out the truth that this is a procedure that America must ban.

I yield to the gentleman from Georgia (Mr. GINGREY), someone who has equal authority from the medical field.

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding and giving me an opportunity tonight as a physician Member, and particularly as an

OBGYN physician Member, just like my colleague from Texas.

During my campaign and these 9 months that I have served in Congress since the election, back in the district probably the most frequent question that I am asked is ''Phil, do you miss it? Do you miss your practice? You gave up a great profession, and you delivered all those babies, over 5,000 during a 27-year career.'' And the answer to them is, of course, I miss it. I miss it tremendously. What a wonderful opportunity and a calling it was to be a physician, and, in particular, to bring life into the world. And I am very proud, of course, to say that in all those 27 years, I have never once performed an abortion. But maybe God, and I guess, Mr. Speaker, it is okay for me to say ''God'' in this Chamber, maybe God had a higher calling for me, wanted me to have an opportunity to do something even greater, Mr. Speaker, than bringing a precious life into the world.

One of my supporters during the campaign, when I asked him for help in helping me get elected, he said, ''Phil, I am going to support you if you promise to do one thing. I want you to promise me that you will just do good when you get to the Congress.''

I know now tomorrow, I have an opportunity to do something very good, an opportunity to vote to ban an abominable procedure known as partial-birth abortion, and I do not know how many years of life I have got left, but when I cast that vote tomorrow, and I have that privilege, that honor, that distinction of being one of 535 Members of this Congress out of some 275, 280 million people to make that vote, and when we pass this bill, yet once again for the third time, we have a President in George W. Bush who is committed to finally end this abomination. And I just cannot help but think about all the lives that now I have an opportunity to save forever, and maybe it will be far more than the 5,200 that I have already delivered.

We have heard from other Members on this issue and seen the graphic description of this procedure, and I will not go into that again, but I can tell my colleagues as a physician, there is no reason, there is never a reason for the health of the mother to perform an abortion in the third trimester of pregnancy. We are talking about, for those who do not understand trimester, we divide a pregnancy into thirds, but when one gets into that third trimester, we are talking about children, fetuses if they want to call them that, but literally who are 4½ to 5 pounds, fully capable of life outside the womb. And what people are doing in this procedure is, literally, killing these children, as the gentleman from Texas (Mr. BURGESS) indicated, so that they are born dead, and, therefore, are characterized as an abortion, but what they are doing is no different than taking, literally, a child that is lying there in the bassinet at 4½ pounds and sticking a knife through his chest. It is the exact same effect. One is legal and one is not legal. One is called an abortion. The other is called murder, but there is no difference and make no mistake about it. What the mother is put through in this process of partial-birth abortion in the interest of preserving her health is one of the most dangerous medical procedures one could possibly do.

It is something that is so clear in my mind as a physician, as a compassionate human being, that I cannot really understand how anybody could not vote to ban this procedure. And I say to my colleagues on both sides of the aisle, men and women, this is not about Roe v. Wade. This is not even so much pro-life and pro-choice, although the Members of this body that are speaking tonight are passionately pro-life. But this procedure needs to be banned because it is nothing more than murder in a so-called legalized fashion, and it does nothing to protect the health of the mother.

So I am very proud to tell my colleagues tonight that my vote will be very strong to ban this abomination known as partial-birth abortion, and I want to thank the gentleman from Minnesota for giving us this time tonight to talk about this procedure and, specifically, giving me time to address it.

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank the gentleman from Georgia.

Mr. Speaker, I think one can see the passion that we who are gathered here today have for ending this cruel procedure. We have heard from the AMA. We have heard from two doctors in a row who confirm the AMA's belief that this procedure is not only not necessary, as the AMA would say, but as the last two physicians so eloquently said, is a cruel procedure that's time has long since passed, should have never started, should never have been allowed to start in the first place, but now we are calling upon it to end.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. SMITH), the dean of the pro-life caucus, a man who has dedicated decades of his life here in Congress to try to lead the effort on repealing partial-birth abortion and so many other pro-life issues, and will be a big factor in our success when President Bush finally signs this.

So again, it is an honor for me to yield to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I want to thank my very good friend and colleague not only for his leadership tonight, but for many years on behalf of the rights of the unborn and their mothers. He has been a stalwart. He has been compassionate, and I thank him for his leadership. And I would like to thank my colleagues who have spoken, the two docs, and the other Members who have spoken tonight so eloquently and passionately in favor of protecting the most innocent and the most at-risk minority in America today and that is the unborn children and the other victims of abortion, who every time that victim is the mother, many of whom who have been cast aside. They have been hurt and hurt very severely as a result of abortion.

Just a couple of months ago we hosted, a number of us, a group of four women including Jennifer O'Neil, the actress who was in ''Summer of '42.'' She was a former Cover Girl. Melba Moore, an accomplished singer, four women who have had abortions, who have become part of a group called Silent No More. They have spoken out, and I encourage women who might be listening to this or men or who know someone who has had an abortion and is living with that agony to know that there is hope, there is reconciliation. The pro-life movement has always been about speaking truth to power, to Government and to those who would take the life of an unborn child, but also speaking truth and reconciliation to those women who have been victimized by abortion, including partial-birth abortion. Silentnomoreawareness.org can be accessed through the Web or through contacting our various offices. It is an outstanding means of reaching out to these women who are hurting.

During the course of their conversations, one woman who had two abortions talked about how she had so many sleepless nights. She thought that she could never hold a child again in her hand. Jennifer O'Neil had talked about the pressure that had been put upon her time and again by her family members who thought they were doing something benign and good for her, while actually hurting her severely, unwittingly but nevertheless hurting her severely. And she carried that pain for years, and now speaks out passionately to the women of America to come forward and know that there is reconciliation and to warn other women not to march into that abortion clinic and get a partial-birth abortion or any of the other methods that dismember or chemically poison unborn children.

I just would point out to my colleagues that some 62 years ago, from a podium right up there by the Speaker, Franklin Delano Roosevelt gave his famous speech after the attack on Pearl Harbor and called December 7 ''a day that would live in infamy.'' I would point out to my colleagues that as a result of that, as we all know, some 55 million people around the world lost their lives to that global conflict.

Another day of infamy less visible but no less lethal, the imposition of abortion on demand by the U.S. Supreme Court in Roe v. Wade on January 22, 1973, has unleashed an assault on innocent human life that is absolutely staggering, about 44.4 million dead babies, children, and counting. The loss of so many innocent children by chemical poisoning, by literal dismemberment and suction machines 20 to 30 times more powerful than an average vacuum machine that all of us

have in our homes, ripping apart that child; and now we see this cruel and unthinkable method where a baby, very late-term, as the doc pointed out a moment ago, third trimester, some in their second trimester but late second trimester, very mature babies where a doctor literally punctures their brains, usually with Metzenbaum scissors, to make a hole so that the baby's brains could be sucked out.

That is pathetic child abuse, and thankfully tomorrow the House, with the leadership of so many Members, especially with our President, will be putting into effect when the Senate finally adopts it as well, which they will, signs this ban into law.

Let me just give an idea of the numbers again, because I think sometimes we, in our entertainment-oriented age and the fact that we can go from one distraction to another, forget how many people have been lost. I mentioned 44.4 million. I am a big Yankee fan.

Mr. KENNEDY of Minnesota. We have a disagreement on that issue.

Mr. SMITH of New Jersey. My team lost to his last night. Yankee Stadium was filled to capacity, 56,292 people. The number of lives that have been lost since Roe v. Wade, 44.4 million, and picture this, it would be like filling Yankee Stadium every single day for 788 days full of children who are then slaughtered. The horrific loss of life, that is a staggering loss of life, is beyond almost any of our comprehensions to grasp, and yet that is what has happened in the 30 years since Roe v. Wade.

It has been done in what seems to be the pristine environment of an abortion clinic. We know that is not often case. Many of these so-called doctors are anything but. They are at the lower level of the medical chain, if you will, food chain, and I have known some abortion doctors, some of whom have actually become pro-life, and they talk about the squalor, the killing that goes on every day and the mental impact it even has on them.

So I just want to say to my colleagues that tomorrow we take, I think, a major step forward in trying to stop some of this killing, and I think the logical among us, the logical people out there in America, will begin connecting the dots and saying if it is so horrific to kill a baby with partial-birth abortion, why is suction okay? Why is D & E and all the other methods that are no less gruesome but a little bit more invisible because they do not happen as late in the stage of the pregnancy and they are not as visible as a partial-birth abortion, why are they any less of an act of child abuse? And this is all about child abuse. Again, there are two victims in every abortion, and my hope is that tomorrow we take a step forward in protecting these children from this cruelty.

I thank my good friend.

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank the gentleman from New Jersey. I thank him for his leadership on this very important issue, on protecting the lives of those babies that have been lost in this horrific procedure, to keep this from happening in the future.

I now yield to the gentleman from Indiana (Mr. SOUDER) to also continue the reasons why it is we need to, as a Congress, pass this bill tomorrow and send it to the President's desk.

□ 2130

Mr. SOUDER. Mr. Speaker, I want to thank the gentleman from Minnesota (Mr. KENNEDY) for his leadership in organizing this tonight and letting me participate in this.

I have been involved in the pro-life movement for many years. Not as long as Grandpa SMITH who literally, along with the gentleman from Illinois (Mr. HYDE), have been the crusaders in the United States Congress and have kept this issue alive and have never let anyone in this Congress, House or Senate, or the administration, forget the importance of this. This is just a huge day for him in particular. Because I have been in many meetings with leadership over the years and different things and they say, man, that CHRIS SMITH, sometimes he just gets obsessed on this issue. And he has, literally, while he has done many other things here in Congress, has focused on this issue and helped keep Congress focused on this.

I want to share a little bit of a different thought, not about the procedure itself, but some of the history behind it, because I am a little older than some of the other guys here. When the pro-life movement really started in the late 1960s and early 1970s, as we became concerned that California and New York had opened up abortion procedures and were letting people from States like Indiana where people had chosen not to have abortion moved to those States, we were stunned.

I was in graduate school at the University of Notre Dame. We had organized a conservative club there, and we had started to look at the abortion movement when, on January 22, 1973, the Supreme Court took in its hands, overruled all of the States in America, and said, these poor little children are unprotected. We were stunned. In those first 48 hours, Dr. Charles Rice, who was our advisor to our group, wrote the Human Life Amendment for then-Congressman Larry Hogan, and it was introduced shortly after that decision. Dr. John Wilke, who was one of the original founders of the National Right to Life's daughter was at Notre Dame and she and I, along with Chuck Donavan and Rich Maji and Leo Bukinani and others, formed a group called the Student Committee for the Human Life Amendment within 48 hours of that decision. We organized across the country.

In fact, one of the first meetings I was at was with the bishop in South Bend with a lot of the leaders, different priests and other activists; and after we talked about abortion a little bit, they talked about baptizing the fetuses. I held up my hand and I said, I think that actually is a religious issue. And the bishop leaned back and said, ah, a Protestant among us. The truth is that in the early days of the pro-life movement, the Protestant Church was asleep. Most of America was asleep. The Catholic Church understood more what was happening.

Over the years, the pro-life movement got organized, and we thought that we could roll back that decision politically. The Human Life Amendment, surely, the American people, when they saw the truth, we could change this. As they understood the slaughter that the gentleman from New Jersey (Mr. SMITH) just described of millions of babies, surely they would overrule.

In 1980, when Ronald Reagan won and the Republicans took the Senate, where pro-lifers and conservatives for the first time started to look at the political system and said, we need to get involved, we thought it would change. We got tax cuts, we fought back communism, but we did not make progress on abortion; and it was incredibly frustrating over the years, as people came out for 30 years to march here in Washington.

One of the things we hear back home repeatedly is, does it do any good? I have been working in this movement for 30 years. Does it do any good? Is there any hope? What has happened in America? Is anybody sensitive? I remember one time when I was an undergraduate in our student government office, there was a debate about whether unwanted children should be born, and one of my friends turned to one of the abortion advocates and said, you know, my mom told me that at the time I was born, she really did not want me, and if abortion had been legal, she would have killed me. And he turned to this person and said, you would have killed me. I would be dead.

Do my colleagues know what? One of my big fears about talking tonight is that somehow, something is going to go wrong. It seems like after 30 years, we cannot possibly get something into law. But after all of those years of marches, we have not made a lot of progress, but this is an important step. Because if we pass this and then the Senate passes this, and then we have this President, we are actually going to save some babies' lives. We are actually going to pass legislation so people like my friend can say, I am alive because of how people voted, how people marched, how people spoke out. When people say there is no difference, that I cannot make a difference in this system, that my involvement does not do any good, I say to them, when this bill passes, those of us who have worked in the trenches, those of us who have been speaking out for years, those of us who have gotten involved in campaigns, in fact, your vote makes a difference,

your actions make a difference; and there are going to be babies growing up to be young adults and adults who will create families who would have been dead if you had not been involved.

So I thank my colleagues for their work. I thank the Members here, because this is a great day for America and a great day for those children.

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank the gentleman from Indiana. I thank him for the passion that he has had for this issue since his time at Notre Dame. I am very pleased to have a son there at Notre Dame. I am very pleased that my oldest daughter was the first president of the Fire for Life chapter at her high school. And as the father of four, it is hard to imagine not having those children. It is hard to imagine children not having the opportunity to have the same experience that each of us as parents have had the opportunity to grow up with and watch and watch them develop.

As someone who is very familiar with children and has a passion for life, I would also like to yield to my good friend, the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Speaker, I am sure my colleagues have all heard the statement that says that years from now we will not remember what kind of houses we lived in or what kind of cars we drove, what material possessions we possessed; but we will remember if we made a difference in the life of a child.

Some years ago, actually before I decided to run for the State senate, I remember working in a newborn intensive care unit at Mercy Hospital in Pittsburgh. There and at McGee Hospital, part of my job was to see the infants who had been born prematurely. I worked with the families and infants and made sure that we took care of dealing with any risks that they may have had for developmental disabilities, and dealing with the families and dealing with a child who was born at perhaps 27, 26, 25, 24 weeks.

It amazed me the miracles that I saw of these babies no bigger than my hand, no bigger than my hand, frail, transparent skin, eyes, in some cases they were so young, barely opened, of how we saw them struggle, but how we saw them breathe. And their hearts beating, you could see beneath their skin. And how, as time went on, we worked with the families and the nurses to help these young babies learn to deal with their world, not stress them too much so that they would grow up. It is amazing to me now, years after I started that career, to be seeing these children graduating from high school and graduating from college; children at that age that otherwise people would see as throwaway babies, throwaway babies; but they are very real.

As the history of our Nation is written, each generation that perhaps has been in this Chamber or the former Chamber has had its core issues it has dealt with. Initially there was the forming of our Nation. What did the Constitution mean? There were also issues of the expansion west. There were issues of slavery. There were issues of civil rights, the women's suffrage, the different generations of folks who worked in these Chambers dealt with. I think one of the issues that will define our generation as legislators will be what we did to be meaningful in the life of a child.

I look upon this as perhaps there is no more humbling, but prouder, thing to do than to save a child's life. Many of us have also, I am sure, heard the phrase that says, if we get here, if we can make one small difference in the world, one small improvement, the votes we will take on this bill will do that, not just for one child, but for thousands and thousands, perhaps millions of children, who otherwise would have seen life untimely ripped from them, as it was.

But for me it is particularly important because I have seen these children live. I have seen children much younger than those we are talking about preventing their deaths thrive. I have talked to them. I have played baseball with them. We have laughed together; we have cried together. And it is important that we understand that it is part of that, that this is not just tissue. It is not just some amorphous cells there floating about; but these are real beings, real beings.

I am also struck as being a father. I know a lot of us speaking here tonight are men, and so many times those who are involved in this issue, they talk about, well, perhaps this is a women's rights issue. Let me speak about fatherhood. I do not think there is any more important thing we do as men on this Earth, outside of having a good relationship with our wives, than being fathers. That is the next generation we deal with. I think part of our role as fathers is to make sure we are there to nurture our children, to feed them, to clothe them, to provide for them, to play with them, to help teach them in the ways of life. But that is important, and it is not diminished because we are males. Our love and our compassion and our caring for children, it is very real. But it always has distressed me when sometimes these arguments come out about pro-life or pro-choice or abortion, that somehow, because a person is only a man, he does not get to have input on that.

If we were able in this Nation to bring men back in the fold, to work more with children, what a great Nation this would be. No longer having the troubles that so many children have, who have been abandoned by a parent, struggling along, a mom or a dad struggling with single parenthood, trying to make ends meet, but really working with them. How much better children's lives would be, if all men took that responsibility as a father seriously and not just there; but you have to continue to not just create life, but nurture children along the way.

It is because of that feeling as fathers that I think we also have an important role in making sure we preserve and work to protect the lives of these children as well. We love them as much, we cry when they are hurt, we shed a tear when they get married or when something sad happens to them. We love them as much, and we have every right to protect those lives. It is part of our responsibility as men and as fathers. And when people say it is not, that is part of something that weakens the American fabric of the family.

If you want to measure the strength of society, you can measure that strength by the integrity of the families within that society. If you want to see the weakness of the family, watch how culture after culture has tried to dismantle families, move parents away, split them up, raise them one way or another. It loses the core, loses the core of its being. We have that in America with families as long as we care for them and love them. That is why it is our duty, that is why it is our responsibility to make sure that we are there to protect the lives of these young children. So that years from now when we look back, we can say it did not matter what kind of house we lived in, what kind of car we drove, what we accumulated. We will be able to say with peace in our hearts, we were important in the life of a child.

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank my friend, the gentleman from Pennsylvania, for speaking out with such passion and with such authority.

Mr. Speaker, I would like to close by sharing a story that is in my heart, a story and some thoughts on a community in my district that has recently shown us all the way that we should respect each other, that we should respect life itself.

When I heard for the first time that a shooting had occurred at Rocori High School in Cold Spring, Minnesota, last week, my first thought was disbelief. That is the last place in the world that I would have ever expected something like that to happen. Cold Spring is a community with well-maintained homes, clean-cut students, and active parents.

When I heard that the coach at that school bravely averted further bloodshed, I was not surprised. Many teachers from my time in high school came to mind that may have done the same thing. The Rocori school staff and the Cold Spring community reacted to the incident in a commendable fashion.

I have met many of the people from the community there and the St. Paul Parish community, including Father Clydis, at a pro-life dinner hosted in the parish school last year. The parish school gym was packed and the local community members served dinner. I remember the idyllic community scene, complete with a church and an American flag, painted on a wall in the gym. I remember the community choir who entertained us that evening and

the song, they sang a German song; and the whole room joining in except for me singing that German song. I know of no town in this great land where it takes their heritage, their families, their community, their faith, their life, people's lives more seriously.

Therefore, I had high expectations when I attended a service for Aaron Rollins, a 17-year-old senior who had been shot by a 15-year-old freshman. But I was taken aback when I walked into this beautiful, modern church that seated over 1,000. For a town of less than 3,000 to have such a commitment to a building in and of itself shows their commitment to each other and their faith. But over 1,500 people came out for that service, students, parents, townspeople. The service lasted over 2 hours, 2 hours; but it flew by. Nearly the entire senior class lined up on either side of the aisle as honorary pall bearers. We saw looks of devastation comforted by a quiet faith on the faces of children who had never before experienced such a loss.

□ 2145

A large number of them were dressed in khaki slacks and skirts, black shirts and camouflage ties to honor Aaron's love of hunting.

But what allowed the gathering not to be overcome with grief was their deeply held belief that even though Aaron barely missed last weekend's duck hunting opener in Minnesota, he now had a new home where the ducks were probably even more plentiful.

But watching this family and how they coped with it and the grief that they felt was just overwhelming. They prayed for Seth Bartell who was also shot and remained in critical condition. But the part of the service that really blew me away, really elevated me further for my respect for the people of Cold Spring and really showed us the true spirit of love and life was when twice during the service the young man who shot Aaron and Seth was lifted up in prayer.

They prayed that that family who struggled to cope with tragedy, that the community show them the compassion and understanding that we want to see in this world.

I think Cold Spring indeed calls us to a higher level. If they can reach out for such compassion towards someone who has inflicted so much pain, how can we not reach out with an equal amount of compassion to those who have done no harm to anyone, the unborn?

That is why we gather here.

I encourage all my colleagues to vote for this ban of partial-birth abortion.

This city whose granite has built beautiful memorials on the Mall here in our Nation's Capital, they have shown us that their values are as solid as that granite. Let us follow their example.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. EVANS (at the request of Ms. PELOSI) for today and the balance of the week on account of personal reasons.

Ms. ESHOO (at the request of Ms. PELOSI) for today and the balance of the week on account of a family illness.

Mr. HYDE (at the request of Mr. DELAY) for today after 2:00 p.m. and the balance of the week on account of a surgical procedure.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. HINCHEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. DAVIS of California, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

(The following Members (at the request of Mr. MARIO DIAZ-BALART of Florida) to revise and extend their remarks and include extraneous material:)

Mr. BURGESS, for 5 minutes, today.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. BORDALLO, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1261. An act to reauthorize the Consumer Product Safety Commission, and for other purposes; to the Committee on Energy and Commerce.

S. 1680. An act to reauthorize the Defense Production Act of 1950, and for other purposes; to the Committee on Financial Services.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 30, 2003 he presented to the President of the United States, for his approval, the following bill.

H.R. 3146. To extend the Temporary Assistance for Needy Families block grant program, and certain tax and trade programs, and for other purposes.

ADJOURNMENT

Mr. KENNEDY of Minnesota. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Thursday, October 2, 2003, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the second quarter of 2003, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, RAVI SAWHNEY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 11 AND APR. 20, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Ravi Sawhney [3]	4/11	4/20	India				2,418.00		1,154.00		3,573.00
Committee total							2,418.00		1,154.00		3,573.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Office of Representative Sheila Jackson-Lee.

RAVI SAWHNEY, July 10, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DANIEL F. SCANDLING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 23 AND MAY 28, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Daniel F. Scandling		5/23	USA				7,051.31				7,051.31
	5/24	5/25	Kuwait		778.00						778.00
	5/25	5/26	Iraq								
	5/26	5/27	Kuwait								
	5/28		USA								
Committee total					778.00		7,051.31				7,829.31

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DANIEL F. SCANDLING, June 24, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. FRANK R. WOLF, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 23 AND MAY 28, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Frank R. Wolf		5/23	USA				7,051.31				7,051.31
	5/24	5/25	Kuwait		778.00						778.00
	5/25	5/26	Iraq								
	5/26	5/27	Kuwait								
	5/28		USA								
Committee total					778.00		7,051.31				7,829.31

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FRANK R. WOLF, July 7, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. DONALD A. MANZULLO, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 27 AND JULY 2, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Donald A. Manzullo	6/27	7/2	Italy		2,532.00		(3)				2,532.00
Committee total					2,532.00						2,532.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DONALD A. MANZULLO, Chairman, July 17, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TED VAN DER MEID, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 27 AND JULY 2, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Ted Van Der Meid	6/27	7/2	Italy		2,532.00		(3)				2,532.00
Committee total					2,532.00						2,532.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

TED VAN DER MEID, Aug. 5, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, CHRIS CONNELLY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 27 AND JULY 2, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Chris Connelly	6/27	7/2	Italy	2,212.00	2,532.00					2,212.00	2,532.00
Committee total				2,212.00	2,532.00					2,212.00	2,532.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHRIS CONNELLY, July 14, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE UNITED KINGDOM, DENMARK, THE NETHERLANDS, AND SPAIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 25 AND AUG. 4, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Dennis J. Hastert	7/26	7/28	United Kingdom	540	861.00		(3)				
Hon. Alcee L. Hastings	7/26	7/28	United Kingdom	540	861.00		(3)				
Hon. Dana Rohrabacher	7/26	7/28	United Kingdom	540	861.00		(3)				
Hon. Jim Nussle	7/26	7/28	United Kingdom	540	861.00		(3)				
Hon. Peter Hoekstra	7/26	7/28	United Kingdom	540	861.00		(3)				

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE UNITED KINGDOM, DENMARK, THE NETHERLANDS, AND SPAIN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 25 AND AUG. 4, 2003—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Doc Hastings	7/26	7/28	United Kingdom	540	861.00		(3)				
Hon. Sue Wilkins Myrick	7/26	7/28	United Kingdom	540	861.00		(3)				
Hon. Charlie Norwood	7/26	7/28	United Kingdom	540	861.00		(3)				
Hon. Vito Fossella	7/26	7/28	United Kingdom	540	861.00		(3)				
Hon. Dennis R. Rehberg	7/26	7/28	United Kingdom	540	861.00		(3)				
Bill Livingood	7/26	7/28	United Kingdom	540	861.00		(3)				
Dr. Eisold	7/26	7/28	United Kingdom	540	861.00		(3)				
Scott Palmer	7/26	7/28	United Kingdom	540	861.00		(3)				
Ted Van der Meid	7/26	7/28	United Kingdom	540	861.00		(3)				
John Feehery	7/26	7/28	United Kingdom	540	861.00		(3)				
Darren Willcox	7/26	7/28	United Kingdom	540	861.00		(3)				
Kevin Fromer	7/26	7/28	United Kingdom	540	861.00		(3)				
Christy Surprenant	7/26	7/28	United Kingdom	540	861.00		(3)				
Vanessa Griddine	7/26	7/28	United Kingdom	540	861.00		(3)				
David Roth	7/26	7/28	United Kingdom	540	861.00		(3)				
Hon. Dennis J. Hastert	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Hon. Alcee L. Hastings	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Hon. Dana Rohrabacher	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Hon. Jim Nussle	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Hon. Peter Hoekstra	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Hon. Doc Hastings	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Hon. Sue Wilkins Myrick	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Hon. Charlie Norwood	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Hon. Vito Fossella	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Hon. Dennis R. Rehberg	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Bill Livingood	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Dr. Eisold	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Scott Palmer	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Ted Vander Meid	7/28	7/30	Denmark	3,757.50	582.00		(3)				
John Feehery	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Darren Willcox	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Kevin Fromer	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Christy Surprenant	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Vanessa Griddine	7/28	7/30	Denmark	3,757.50	582.00		(3)				
David Roth	7/28	7/30	Denmark	3,757.50	582.00		(3)				
Hon. Dennis J. Hastert	7/30	7/31	Netherlands	143.39	165.00		(3)				
Hon. Alcee L. Hastings	7/30	7/31	Netherlands	143.39	165.00		(3)				
Hon. Dana Rohrabacher	7/30	7/31	Netherlands	143.39	165.00		(3)				
Hon. Jim Nussle	7/30	7/31	Netherlands	143.39	165.00		(3)				
Hon. Peter Hoekstra	7/30	7/31	Netherlands	143.39	165.00		(3)				
Hon. Doc Hastings	7/30	7/31	Netherlands	143.39	165.00		(3)				
Hon. Sue Wilkins Myrick	7/30	7/31	Netherlands	143.39	165.00		(3)				
Hon. Charlie Norwood	7/30	7/31	Netherlands	143.39	165.00		(3)				
Hon. Vito Fossella	7/30	7/31	Netherlands	143.39	165.00		(3)				
Hon. Dennis R. Rehberg	7/30	7/31	Netherlands	143.39	165.00		(3)				
Bill Livingood	7/30	7/31	Netherlands	143.39	165.00		(3)				
Dr. Eisold	7/30	7/31	Netherlands	143.39	165.00		(3)				
Scott Palmer	7/30	7/31	Netherlands	143.39	165.00		(3)				
Ted Vander Meid	7/30	7/31	Netherlands	143.39	165.00		(3)				
John Feehery	7/30	7/31	Netherlands	143.39	165.00		(3)				
Darren Willcox	7/30	7/31	Netherlands	143.39	165.00		(3)				
Kevin Fromer	7/30	7/31	Netherlands	143.39	165.00		(3)				
Christy Surprenant	7/30	7/31	Netherlands	143.39	165.00		(3)				
Vanessa Griddine	7/30	7/31	Netherlands	143.39	165.00		(3)				
David Roth	7/30	7/31	Netherlands	143.39	165.00		(3)				
Hon. Dennis J. Hastert	7/31	8/4	Spain	1,010	1,148.00		(3)				
Hon. Alcee L. Hastings	7/31	8/4	Spain	1,010	1,148.00		(3)				
Hon. Dana Rohrabacher	7/31	8/4	Spain	1,010	1,148.00		(3)				
Hon. Jim Nussle	7/31	8/4	Spain	1,010	1,148.00		(3)				
Hon. Peter Hoekstra	7/31	8/4	Spain	1,010	1,148.00		(3)				
Hon. Doc. Hastings	7/31	8/4	Spain	1,010	1,148.00		(3)				
Hon. Sue Wilkins Myrick	7/31	8/4	Spain	1,010	1,148.00		(3)				
Hon. Charlie Norwood	7/31	8/4	Spain	1,010	1,148.00		(3)				
Hon. Vito Fossella [4]	7/31	8/3	Spain	1,010	883.00	1,819.77	2,094.68				
Hon. Dennis R. Rehberg	7/31	8/4	Spain	1,010	1,148.00		(3)				
Bill Livingood	7/31	8/4	Spain	1,010	1,148.00		(3)				
Dr. Eisold	7/31	8/4	Spain	1,010	1,148.00		(3)				
Scott Palmer	7/31	8/4	Spain	1,010	1,148.00		(3)				
Ted Van der Meid	7/31	8/4	Spain	1,010	1,148.00		(3)				
John Feeheny	7/31	8/4	Spain	1,010	1,148.00		(3)				
Darren Willcos	7/31	8/4	Spain	1,010	1,148.00		(3)				
Kevin Fromer	7/31	8/4	Spain	1,010	1,148.00		(3)				
Christy Surprenant	7/31	8/4	Spain	1,010	1,148.00		(3)				
Vanessa Griddine	7/31	8/4	Spain	1,010	1,148.00		(3)				
David Roth	7/31	8/4	Spain	1,010	1,148.00		(3)				
Committee total				109,117.80	54,855.00	1,819.77	2,094.68				

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Left trip early—returned one day per diem to State Department.

Dennis J. Hastert, Speaker of the House.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ITALY, AND NORWAY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 26 AND AUGUST 6, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Doug Bereuter	7/26	8/2	Italy		2,356.52						2,356.52
	8/2	8/6	Norway		1,208.00		5,739.84				6,947.84
Committee total					3,564.52		5,739.84				9,304.36

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DOUG BEREUTER, Sept. 3, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO TAIWAN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 2 AND AUG. 9, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Amanda Parsons	8/2	8/9	Taiwan		1,500.00		2,750.00		70.00		4,320.00
Committee total					1,500.00		2,750.00		70.00		4,320.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

AMANDA PARSONS, Sept. 8, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Boehner [4]	11/23	11/29	Italy		2,080.00		(3)				2,080.00
	11/29	12/1	Greece		236.00		(3)				236.00
	12/1	12/2	Spain		196.00		(3)				196.00
Hon. George Miller	12/14	12/15	Taipei		282.00		5,291.76				5,573.76
Roundtrip commercial airfare	12/15	12/18	Hanoi		615.00						615.00
Roundtrip commercial airfare	12/18	12/19	Hong Kong		411.00						411.00
John Lawrence [5]	12/14	12/15	Taipei		282.00		6,163.76				6,445.76
Roundtrip commercial airfare	12/15	12/18	Hanoi		615.00						615.00
Roundtrip commercial airfare	12/18	12/19	Hong Kong		411.00						411.00
Committee total					5,128.00		11,455.52				16,583.52

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] To participate in CODEL of Hon. David L. Hobson.
[5] To participate in CODEL of Hon. George Miller.

JOHN BOEHNER, Chairman, July 18, 2003.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Sherwood Boehlert [3]	1/18	1/20	Australia		$4,386.47		2,254.96		3,379.58		10,021.91
Committee total					4,386.47		2,254.96		3,379.58		10,021.91

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. curency is used, enter amount expended.
[3] Other CODEL participants—additional per diem received for accomodations.
[4] Local transportation.

SHERWOOD BOEHLERT, Chairman, July 9, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BOB GOODLATTE, Chairman, July 9, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Joe Knollenberg	4/14	4/18	Italy		1,152.00						1,152.00
	4/18	4/21	Belgium		1,002.00						1,002.00
									735.80		735.80
							(3)				
Hon. Chet Edwards	4/14	4/18	Italy		1,152.00						1,152.00
	4/18	4/19	Belgium		434.00						434.00
									735.80		735.80
							(3)				
Part commercial airfare									559.30		559.30
Valerie Baldwin	4/14	4/18	Italy		1,152.00						1,152.00
	4/18	4/21	Belgium		1,002.00						1,002.00
									735.80		735.80
							(3)				
Thomas Forhan	4/14	4/18	Italy		1,152.00						1,152.00
	4/18	4/21	Belgium		1,002.00						1,002.00
									735.80		735.80
							(3)				
Kevin V. Cook	4/13	4/18	Japan		1,695.00						1,695.00
Commercial airfare							7,832.91				7,832.91
Hon. C.W. Bill Young	4/23	4/24	Qatar		284.50						284.50
	4/24	4/25	Uzbekistan		296.30						296.30

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	4/25	4/26	Italy		309.47						309.47
									3,023.52		3,023.52
							(3)				
Hon. Rodney Frelinghuysen	4/23	4/24	Qatar		284.50						284.50
	4/24	4/25	Uzbekistan		296.30						296.30
	4/25	4/26	Italy		309.47						309.47
									3,023.52		3,023.52
							(3)				
Douglas Gregory	4/23	4/24	Qatar		284.50						284.50
	4/24	4/25	Uzbekistan		296.30						296.30
	4/25	4/26	Italy		309.47						309.47
									3,023.52		3,023.52
							(3)				
Susan E. Quantius	4/24	4/25	Canada		307.00						307.00
									52.00		52.00
Commercial airfare							402.60				402.60
Scott Lilly	4/14	4/16	Belgium		852.00						852.00
	4/16	4/18	Germany		596.00						596.00
	4/18	4/23	Italy		2,035.00						2,035.00
	4/23	4/24	Spain		280.00						280.00
									96.92		96.92
Commercial airfare							8,117.31				8,117.31
Hon. Jim Kolbe	4/16	4/17	Kuwait		389.00						389.00
	4/17	4/19	Jordan		476.00						476.00
Commercial airfare							5,684.78				5,684.78
Scott B. Gudes	4/16	4/17	Kuwait		389.00						389.00
	4/17	4/20	Jordan		714.00						714.00
	4/20	4/24	Serbia & Montenegro		900.18						900.18
									588.91		588.91
Commercial airfare							7,627.40				7,627.40
Hon. James P. Moran	4/13	4/16	Colombia		581.00						581.00
Hon. Frank Wolf	5/24	5/24	Kuwait		389.00						389.00
	5/25	5/26	Iraq								
	5/26	5/27	Kuwait		389.00						389.00
Commercial airfare							7,051.31				7,051.31
Hon. Jim Kolbe	5/24	5/26	Brazil		436.00						436.00
	5/26	5/31	Argentina		1,560.00						1,560.00
Commercial airfare							6,618.40				6,618.40
Scott B. Gudes	5/24	5/26	Brazil		436.00						436.00
	5/26	5/31	Argentina		1,560.00						1,560.00
Commercial airfare							6,618.40				6,618.40
Hon. Dave Weldon	5/25	5/29	Uganda		110.00						110.00
	5/29	5/30	England		160.00						160.00
									80.00		80.00
Commercial airfare							8,265.00				8,265.00
Committee total					24,972.99		58,777.41		12,831.59		96,581.99

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JOHN A. BOEHNER, Chairman, July 17, 2003

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Travel to South Korea, April 13–19, 2003:											
Hon. Madeleine Bordallo	4/13	4/17	South Korea		1,244.00						1,244.00
Commercial airfare							4,866.42				4,866.42
Visit to Vietnam, April 21–26, 2003:											
Hon. Rob Simmons	4/21	4/26	Vietnam		547.00						547.00
Commercial airfare							9,189.35				9,189.35
Travel to France, April 22–26, 2003:											
Hon. Curt Weldon	4/24	4/26	France		686.00						686.00
Commercial airfare							4,543.25				4,543.25
Travel to North Korea and South Korea, May 30–June 2, 2003:											
Hon. Curt Weldon	5/30	6/1	North Korea		870.00						870.00
	6/1	6/2	South Korea		1,184.00						1,184.00
Hon. Solomon P. Ortiz	5/30	6/1	North Korea		870.00						870.00
	6/1	6/2	South Korea		1,184.00						1,184.00
Hon. Silvestre Reyes	5/30	6/1	North Korea		870.00						870.00
	6/1	6/2	South Korea		1,184.00						1,184.00
Hon. Jeff Miller	5/30	6/1	North Korea		870.00						870.00
	6/1	6/2	South Korea		1,184.00						1,184.00
Hon. Joe Wilson	5/30	6/1	North Korea		870.00						870.00
	6/1	6/2	South Korea		1,184.00						1,184.00
Mr. Douglas C. Roach	5/30	6/1	North Korea		870.00						870.00
	6/1	6/2	South Korea		1,184.00						1,184.00
Mr. Robert W. Lautrup	5/30	6/1	North Korea		870.00						870.00
	6/1	6/2	South Korea		1,184.00						1,184.00
Travel to Cuba, June 6, 2003:											
Hon. Roscoe G. Bartlett	6/6	6/6	Cuba		13.16						13.16
Hon. Loretta Sanchez	6/6	6/6	Cuba		13.16						13.16
Hon. Phil Gingrey	6/6	6/6	Cuba		13.16						13.16
Mr. James M. Lariviere	6/6	6/6	Cuba		13.16						13.16
Ms. Erin C. Conaton	6/6	6/6	Cuba		13.16						13.16
Committee total					16,920.80		18,599.02				35,519.82

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DUNCAN HUNTER, Chairman, July 31, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM NUSSLE, Chairman, July 29, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN A. BOEHNER, Chairman, July 29, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Darrell Issa	5/25	5/27	Egypt		343.00		6,988.77				7,422.77
	5/27	5/29	Israel		724.00						724.00
	5/29	5/31	Lebanon		244.00						244.00
	5/30	6/1	Syria		268.00						268.00
	6/1	6/1	Qatar (transit)								
	6/1	6/1	England (transit)								
Committee total					1,607.00		6,988.77		388.48		8,595.77

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILLY TAUZIN, Chairman, July 23, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MICHAEL G. OXLEY, Chairman, July 29, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Tom Davis	4/13	4/16	Colombia		721.00				32.37		
Randy Kaplan	4/13	4/16	Colombia		721.00				32.37		
Susie Schulte	4/13	4/16	Colombia		721.00				32.37		
David Marin	4/13	4/16	Colombia		721.00				32.37		
Chris Donesa	4/13	4/16	Colombia		721.00				32.37		
Peter Sirh	4/13	4/16	Colombia		721.00				32.37		
Mason Alinger	4/13	4/16	Colombia		721.00				32.37		
Ron Martinson	4/13	4/16	Colombia		721.00				32.37		
Tony Haywood	4/13	4/16	Colombia		721.00				32.37		
Hon. Jim Cooper	4/13	4/16	Colombia		721.00				32.37		
Grace Washbourne	6/9	6/15	Switzerland		2,215.58		6,429.50				
	6/15	6/16	Germany		114.00						
Lawrence Halloran	6/10	6/15	Switzerland		1,323.95		6,368.00				
	6/15	6/16	Germany		114.00						
John Hunter	6/9	6/15	Switzerland		2,215.58		6,429.50				
	6/15	6/16	Germany		114.00						
Corinne Zaccagnini	6/7	6/15	Switzerland		2,215.58		6,259.10				
	6/15	6/16	Germany		114.00						
Hon. Ron Lewis	4/14	4/18	Italy		288.00						
	4/18	4/21	Belgium		334.00						
Rep. Christopher Shays	4/15	4/16	Kuwait		878.00		347.98		1,149.33		
	4/16	4/17	Jordan		238.00				1,149.33		
	4/17	4/23	Israel		1,810.00				1,149.33		
Nicholas Palarino	4/12	4/15	Qatar		936.00		7,090.98		1,149.33		
	4/15	4/16	Kuwait		878.00				1,149.33		
	4/16	4/17	Jordan		238.00				1,149.33		
	4/17	4/23	Israel		1,810.00				1,149.33		
Nick Coleman	5/24	5/25	Denmark		270.00		5,064.15				
	5/25	5/27	Sweden		550.00						
	5/27	5/29	Czech Republic		233.00						

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Chris Donesa	5/24	5/25	Denmark		270.00		5,064.15				
	5/25	5/27	Sweden		550.00						
	5/27	5/29	Czech Republic		233.00						
Hon. Mark Souder	5/24	5/25	Denmark		270.00		5,064.15				
	5/25	5/27	Sweden		550.00						
	5/27	5/29	Czech Republic		233.00						
Hon. Henry Waxman	6/27	7/2	Italy		2,532.00						
Hon. Candice Miller	6/27	7/2	Italy		2,532.00						
Committee total					31,269.69		48,117.51		8,369.01		87,756.21

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TOM DAVIS, Chairman, July 23, 2003.

CORRECTED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Douglas Anderson	4/22	4/29	South Korea		1,818.00		3,958.33				5,776.33
Hon. Cass Ballenger	4/21	4/22	Nicaragua		30.00						30.00
	4/22	4/24	Brazil		241.00						241.00
	4/24	4/26	Dominican Republic		476.00		(3)				476.00
	5/4	5/5	Venezuela		60.00		(3)				60.00
Ted Brennan	4/21	4/22	Nicaragua		115.00						115.00
	4/22	4/24	Brazil		222.00						222.00
	4/24	4/26	Dominican Republic		336.00		(3)				336.00
	5/4	5/5	Venezuela		198.00		(3)				198.00
Hon. Dan Burton	4/26	4/29	Costa Rica		384.00		1,298.00				1,682.00
Jean Carroll	4/21	4/22	Nicaragua		226.00						226.00
	4/22	4/24	Brazil		416.00						416.00
	4/24	4/26	Dominican Republic		476.00		(3)				476.00
Malik Chaka	5/26	5/31	Ivory Coast		845.00		6,135.93				6,980.93
Hon. William Delahunt	4/13	4/16	Colombia		721.00		(3)				721.00
	5/4	5/5	Venezuela		298.00		(3)				298.00
Hon. Eliot Engel	5/30	6/2	North Korea		669.00		(3)				669.00
Hon. Eni Faleomavaega	4/21	4/22	Nicaragua		226.00						226.00
	4/22	4/24	Brazil		416.00						416.00
	4/24	4/26	Dominican Republic		476.00		(3)				476.00
Paul Gallis	5/24	5/29	Czech Republic		2,085.00		6,258.72				8,343.72
Matthew Gobush	4/25	4/27	Syria		536.00						536.00
	4/27	4/28	Israel		362.00						362.00
Round trip airfare	4/25	4/28					6,899.93				6,899.93
	5/27	5/30	Czech Republic		932.00		5,240.78				6,172.78
Dennis Halpin	4/22	4/29	South Korea		1,820.00		3,958.33				5,778.33
Hon. Katherine Harris	4/13	4/16	Colombia		721.00		(3)				721.00
Noelle Lusane	5/25	5/29	Ivory Coast		676.00		6,135.93				6,811.93
Joathan Katz	4/26	4/29	Turkey		814.00		4,299.84				5,113.84
David Killion	4/13	4/16	France		1,029.00				[4] 236.09		1,265.09
	4/16	4/19	Switzerland		1,623.30						1,623.30
Round trip airfare	4/13	4/19					6,442.59				6,442.59
Kay King	4/21	4/22	Nicaragua		226.00						226.00
	4/22	4/24	Brazil		416.00						416.00
	4/24	4/26	Dominican Republic		262.00		(3)				262.00
Robert King	4/21	4/22	Nicaragua		110.00						110.00
	4/22	4/24	Brazil		263.00						263.00
	4/24	4/26	Dominican Republic		476.00		(3)				476.00
	5/26	5/28	Thailand		364.00						364.00
	5/28	5/31	Laos		321.00						321.00
Round trip airfare	5/26	5/31					9,719.97				9,719.97
Hon. Tom Lantos	4/25	4/27	Syria		536.00						536.00
	4/27	4/28	Israel		362.00				[4] 1,996.00		2,358.00
Round trip airfare	4/25	4/28					5,825.36				5,825.36
Bob Jones	4/21	4/22	Nicaragua		226.00						226.00
	4/22	4/24	Brazil		416.00						416.00
	4/24	4/26	Dominican Republic		476.00		(3)				476.00
Tanya Mazin	5/27	5/31	Czech Republic		932.00		5,240.78				6,172.78
Caleb McCarry	4/21	4/22	Nicaragua		161.00						161.00
	4/22	4/24	Brazil		346.00						346.00
	4/24	4/26	Dominican Republic		409.00		(3)				409.00
	5/4	5/5	Venezuela		201.00		(3)				201.00
Alan Makovsky	4/25	4/27	Syria		452.00						452.00
	4/27	4/28	Israel		321.00						321.00
Round trip airfare	4/25	4/28					6,899.93				6,899.93
	5/28	6/1	Turkey		797.00		5.096.34				5,893.34
John Mackey	4/13	4/16	Columbia		721.00		(3)				721.00
	5/29	6/2	Austria		868.00		5,586.63				6,454.63
Hon. Gregory Meeks	5/4	5/5	Venezuela		218.00		(3)				218.00
Vince Morelli	5/26	5/28	Belguim		380.00		5,685.49				6,065.49
Paul Oosturg Sanz	4/21	4/22	Nicaragua		120.00						120.00
	4/22	4/24	Brazil		213.00						213.00
	4/24	4/26	Dominican Republic		415.00		(3)				415.00
Frank Record	4/21	4/22	Nicaragua		176.00						176.00
	4/22	4/24	Brazil		366.00						366.00
	4/24	4/26	Dominican Republic		426.00		(3)				426.00
	5/25	5/28	Belgium		805.00						805.00
	5/28	5/31	Italy		1,119.00						1,119.00
Round trip airfare	5/25	5/31					6,470.00				6,470.00
Walker Roberts	5/24	5/31	Japan		2,350.00		8,063.29				10,413.29
Hon. Edward Royce	4/13	4/17	South Korea		1,244.00		3,927.42				5,171.42
Hon. Dana Rohrabacher	5/24	5/25	Netherlands		339.00						339.00
	5/26	5/30	Israel		1,660.00						1,660.00
	5/30	6/2	Austria		267.00						267.00
Roundtrip airfare	5/24	6/2					9,290.76				9,290.76
Doug Seay	4/21	4/22	Nicaragua		226.00						226.00
	4/22	4/24	Brazil		416.00						416.00
	4/24	4/26	Dominican Republic		476.00		(3)				476.00
Hon. Nick Smith	4/21	4/22	Nicaragua		226.00						226.00

CORRECTED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	4/22	4/24	Brazil		416.00						416.00
	4/24	4/26	Dominican Republic		476.00		(3)				476.00
Samuel Stratman	4/21	4/22	Nicaragua		201.00						201.00
	4/22	4/24	Brazil		391.00						391.00
	4/24	4/26	Dominican Republic		401.00		(3)				401.00
Roundtrip airfair	5/25	5/31					6,470.00				6,470.00
	5/27	5/31	Czech Republic		932.00		5,240.78				6,172.78
Hon. Adam Schiff	4/13	4/17	South Korea		1,244.00		4,426.42				5,670.42
Thomas Sheehy	4/12	4/17	South Korea		1,244.00		4,094.92				5,338.92
Hon. Thomas Tancredo	4/16	4/18	Hungary		508.00						508.00
	4/18	4/22	Italy		1,911.09				[4] 1,679.81		3,590.90
Roundtrip airfare	4/16	4/22					1,734.32				1,734.32
Hillel Weinberg	5/25	5/28	Belgium		795.00						795.00
	5/28	5/31	Italy		1,119.00						1,119.00
Roundtrip airfare	5/25	5/31					6,040.00				6,040.00
Hon. Jerry Weller	4/21	4/22	Nicaragua		226.00						226.00
	4/22	4/24	Brazil		416.00						416.00
	4/24	4/26	Dominican Republic		476.00		(3)				476.00
Hon. Robert Wexler	4/26	4/29	Turkey		814.00		4,299.84				5,113.84
	5/31	6/1	Syria		268.00						268.00
	6/1	6/3	Israel		628.00						628.00
Roundtrip airfair	5/31	6/3					6,365.82				6,365.82
Peter Yeo	5/26	5/28	Thailand		364.00						364.00
	5/28	5/31	Laos		321.00						321.00
Roundtrip airfair	5/26	5/31					9,719.97				9,719.97
Committee totals					53,502.39		170,826.42		3,911.90		228,440.71

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Indicates delegation costs.

HENRY J. HYDE, Chairman, July 24, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Todd Willens	4/21	4/26	Switzerland		1,945.00		6,031.56		430.00		8,406.56
Matt Miller	4/21	4/26	Switzerland		1,945.00		6,031.56				7,976.56
Amie Brown	5/25	6/1	Switzerland		2,730.00		4,680.31				7,410.31
Steve Ding	6/17	6/20	Germany		1,086.00		7,619.77				8,705.77
Todd Willens	6/15	6/20	Germany		1,810.00		6,775.46				8,585.46
Dave Whaley	6/15	6/22	Germany		2,534.00		6,487.77				9,021.77
Catherine Ware	6/15	6/21	Germany		2,172.00		6,487.77				8,659.77
Committee total					14,222.00		44,114.20		430.00		58,766.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RICHARD W. POMBO, Chairman, July 29, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. David Dreier	4/21	4/22	Nicaragua		226.00						226.00
	4/22	4/24	Brazil		416.00						416.00
	4/24	4/26	Dom. Republic		714.00						714.00
							687.22				687.22
Brad Smith	4/21	4/22	Nicaragua		226.00						226.00
	4/22	4/24	Brazil		416.00						416.00
	4/24	4/26	Dom. Republic		714.00						714.00
							687.22				687.22
Committee total					2,712.00		1,374.44				4086.74

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVID DREIER, Chairman, July 25, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS AND OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOEL HEFLEY, Chairman, July 9, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DON YOUNG, Chairman, July 31, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Angela Ellard	4/13	4/17	Switzerland		1,017.00		6,077.00				7,094.00
David Kavanaugh	4/13	4/17	Switzerland		1,017.00		6,077.00				7,094.00
Viji Rangaswami	4/13	4/17	Switzerland		1,017.00		6,077.00				7,094.00
Hon. Zavier Bacerra	4/13	4/17	South Korea		1,244.00		3,938.92				5,182.92
Hon. Philip S. English	6/27	7/2	Rome		2,532.00		(3)				2,532.00
Committee totals					6,827.00		22,169.92				28,996.92

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BILL THOMAS, Chairman, July 31, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Patrick Murray	4/11	4/18	Europe		2,434.00		287.45				2,721.45
Commercial Aircraft											5,519.17
Merrell Moorehead	4/11	4/18	Europe		2,434.00						2,434.00
Commercial Aircraft							5,519.17				5,519.17
Brant Bassett	4/11	4/18	Europe		2,434.00						2,434.00
Commercial Aircraft							5,519.17				5,519.17
Hon. Alcee Hastings	4/14	4/21	Europe		3,199.00				674.80		3,873.80
Commercial Aircraft							5,743.58				5,743.58
Wyndee Parker	4/15	4/29	Europe		3,342.00						3,342.00
Commercial Aircraft							6,293.33				6,293.33
Elizabeth Larson	4/15	4/28	Europe		3,120.00						3,120.00
Commercial Aircraft							5,716.40				5,716.40
Michael Ennis	4/20	4/25	Europe		1,624.00						1,624.00
Commercial Aircraft							5,523.40				5,523.40
Marcel Lettre	4/20	4/25	Europe		1,624.00						1,624.00
Commercial Aircraft							5,523.40				5,523.40
John Keefe	4/20	4/29	Europe		2,944.00						2,944.00
Commercial Aircraft							6,206.71				6,206.71
Hon. Anna Eshoo	4/23	4/28	Europe		1,538.00						1,538.00
Commercial Aircraft							6,393.37				6,393.37
Hon. Rush Holt	4/23	4/29	Europe		1,460.00				65.11		1,525.11
Commercial Aircraft							6,688.42				6,688.42
Patrick Murray	5/27	5/31	Europe		1,552.00						1,552.00
Commercial Aircraft							6,490.00				6,490.00
Committee totals					27,705.00		71,423.57		739.91		99,868.48

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PORTER J. GOSS, Chairman, July 31, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL THOMAS, Chairman, July 10, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Janice Helwig		4/21	USA				5,413.00				5,413.00
	4/22	8/1	Austria		15,363.00						15,363.00
Erika Schlager		4/5	USA				5,410.00				5,410.00
	4/6	4/8	Slovakia		462.00						462.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2003—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	4/9	4/12	Austria		625.00						625.00
Hon. Alcee Hastings	4/21	4/26	Copenhagen		1,410.00		2,276.00				3,686.00
Chadwick Gore		4/23	USA				4,499.00				4,499.00
	4/24	4/26	Copenhagen		436.00						436.00
Maureen Walsh		5/11	USA				4,706.00				4,706.00
	5/12	5/16	Poland		1,043.00						1,043.00
	5/16	5/24	Czech Republic		2,032.00						2,032.00
Marlene Kaufmann		5/13	USA				6,119.00				6,119.00
	5/14	5/17	Switzerland		849.00						849.00
	5/17	5/20	Austria		651.00						651.00
	5/20	5/22	Czech Republic		732.00						732.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, FOR TRAVEL AUTHORIZED BY THE SPEAKER, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 1, AND JUNE 30, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Michael Ochs		5/20	USA				6,650.00				6,650.00
	5/22	5/27	Armenia		921.00						921.00
	5/27	5/29	Georgia		518.00						518.00
	5/29	5/31	Azerbaijan		679.00						679.00
Ronald McNamara		6/15	USA				6,558.00				6,558.00
	6/16	6/17	Belgium		322.00						322.00
	6/17	6/21	Austria		1,523.00						1,523.00
Hon. Christopher Smith		6/18	USA				5,583.00				5,583.00
	6/19	6/21	Austria		749.00						749.00
Hon. Alcee Hastings		6/18	USA				5,659.00				5.569.00
	6/19	6/21	Austria		749.00						749.00
K. Hamilton Thames		6/17	USA				4,841.00				4,841.00
	6/18	6/22	Austria		903.00						903.00
	6/22	6/25	Hungary		568.00						568.00
Donald Kursch		6/15	USA				6,022.00				6,022.00
	6/16	6/18	Belgium		525.00						525.00
	6/18	6/21	Austria		889.00						889.00
	6/21	6/24	Hungary		790.00						790.00
	6/24	6/27	Austria		703.00						703.00
Robert Hand		6/23	USA				1,241.00				1,241.00
	6/24	6/27	Austria		492.00						492.00
Committee total					33,934.00		64,887.00				98,821.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHRISTOPHER H. SMITH, Chairman, July 31, 2003.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4483. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Trifloxysulfuron; Pesticide Tolerance [OPP–2003–0286; FRL–7325–1] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4484. A communication from the President of the United States, transmitting the request and availability of funds for the Department of Homeland Security's Counterterrorism Fund, pursuant to Public Law 106–554, and Pub.L. 108–7; (H. Doc. No. 108–134); to the Committee on Appropriations and ordered to be printed.

4485. A communication from the President of the United States, transmitting notification of the intention to reallocate funds previously transferred from the Emergency Response Fund; (H. Doc. No. 108–133); to the Committee on Appropriations and ordered to be printed.

4486. A letter from the Under Secretary for Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule—Determining Eligibility for Free and Reduced Price Meals in Schools—Verification Reporting and Recordkeeping Requirements (RIN: 0584–AD20) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4487. A letter from the Deputy Assistant Secretary, Department of Education, transmitting the Department's final rule—Community Technology Centers Program; Notice [CFDA No.: 84.341] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4488. A letter from the Deputy Assistant Secretary, Department of Education, transmitting the Department's final rule—Community Technology Centers Program; Notices [CFDA No.: 84.341] received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4489. A letter from the Secretary, Department of Health and Human Services, transmitting Certification From the Secretary of Health and Human Services Pursuant to Section 604(c)(2) of the Balanced Budget Refinement Act; to the Committee on Education and the Workforce.

4490. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri [MO 195–1195a; FRL–7559–9] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4491. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans North Carolina: Approval of Miscellaneous Revisions to Regulations Within the Forsyth County Local Implementation Plan[NC 105–200331a; FRL–7559–5] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4492. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans North Carolina; Miscellaneous Revisions to the North Carolina State Implementation Plan [NC 106–200336(a); FRL–7558–9] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4493. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; New Mexico; Redesignation of Grant County to Attainment for Sulfur Dioxide [NM–43–1–7600a; FRL–7556–7] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4494. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Wisconsin [WI111–1a; FRL 7547–5] received September 30, 2003, pursuant

to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4495. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Operating Permits Program; State of Iowa [IA 183–1183a; FRL 7559–8] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4496. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming; Control of Emissions From Existing Commercial and Industrial Solid Waste Incinerators [No. R803CISWI; FRL–7560–2] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4497. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval of Revision to Operating Permits Program in North Dakota [No. R803NDT5REV; FRL–7560–5] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4498. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Monterey Bay Unified and San Joaquin Valley Unified Air Pollution Control Districts [CA–271–0412a; FRL–755108] received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4499. A letter from the Secretary, Department of the Treasury, transmitting a 6-month periodic report on the national emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224 of September 23, 2001, pursuant to 50 U.S.C. 1641(c) 50 U.S.C. 1703(c); to the Committee on International Relations.

4500. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting President Bush's certification that the Board of the International Fund is, as a whole, broadly representative of the interests of the communities in Ireland and Northern Ireland; and that disbursements from the International Fund will be distributed in accordance with principles of economic justice; and will address the needs of both communities in Northern Irelandand will create employment opportunities in regions and communities of Northern Ireland suffering from high rates of unemployment, pursuant to Public Law 99—415, section 5(c) (100 Stat. 948); to the Committee on International Relations.

4501. A letter from the Secretary, Department of Transportation, transmitting the Semiannual Report of the Office of Inspector General for the period ending March 31, 2002, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

4502. A letter from the Clerk, U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period July 1, 2003 through September 30, 2003 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 108–132); to the Committee on House Administration and ordered to be printed.

4503. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30384; Amdt. No. 3072] received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4504. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30383; Amdt. No. 3071] received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4505. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30381; Amdt. No. 3069] received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4506. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30382; Amdt. No. 3070] received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4507. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30385; Amdt. No. 3073] received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4508. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Federal Airways V–13 and C–407; Harlingen, TX [Docket No. FAA 2003–15061; Airspace Docket No. ASD 03–ASW–1] (RIN 2120–AA66) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4509. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc Trent 768–60, Trent 772–60, and Trent 772B–60 Turbofan Engines [Docket No. 2003–NE–29–AD; Amendment 39–13300; AD 2003–18–09] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4510. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Schempp-Hirth Flugzeugbau GbmH Model Duo-Discus Gliders [Docket No. 2003–CE–33–AD; Amendment 39–13282; AD 2003–16–51] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4511. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135 and –145 Series Airplanes [Docket No. 2002–NM–88–AD; Amendment 39–13189; AD2003–12–04] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4512. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Dynamics (Convair) Model P4Y–2 Airplanes, General Dynamics (Consolidated-Vultee) (Army) Model LB–30 Airplanes, and General Dynamics (Consolidated) (Army) Model C–87A Airplanes [Docket No. 2003–NM–164–AD; Amendment 39–13292; AD 2003–18–01] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4513. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; MD Helicopters, Inc. Model 369A, D, E, H, HE, HM, HS, F, and FF Helicopters; Correction [Docket No. 2003–SW–17–AD; Amendment 39–13215; AD 2003–08051] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4514. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT8D–200 Series Turbofan Engines [Docket No. 2002–NE–41–AD; Amendment 39–13258; AD 2003–16–05] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4515. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce RB211 Series Turbofan Engines; Correction [Docket No. 2000–NE–13–AD; Amendment 39–13200; AD 2003–12–15] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4516. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Short Brothers and Harland Ltd. Models SC–7 Series 2 and SC–7 Series 3 Airplanes [Docket No. 2000–CE–17–AD; Amendment 39–13279; AD 2003–17–05] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4517. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Piaggio Aero Industries S.p.A. Model p-180 Airplanes [Docket No. 2003–CE–30–AD; Amendment 39–13277; AD 2003–17–03] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4518. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SE3160, SA315B, SA316B, SA316C, and SA319B Helicopters [Docket No. 2003–SW–34–AD; Amendment 39–13276; AD 2003–15–51] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4519. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc. RB211–535 [Docket No. 202–NE16–AD; Amendment 39–13290; AD 2003–17–15](RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4520. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–400 Series Airplanes Equipped with General Electric Model CF6–80C2 Series Engines [Docket No. 2002–NM–128–AD; Amendment 39–13269; AD 2003–16–16] (RIN 2120–AA64) received September 23, 2003, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4521. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; MD Helicopters, Inc., Model 600N Helicopters [Docket No. 2003–SW–04–AD; Amendment 39–13264; AD 2003–16–11] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4522. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McCauley Propeller Systems, Inc. Hub Models B5JFR36C1101, C5JFR36C1102, B5JFR36C1103, and C5JFR36C1104 [Docket No. 2003–NE–32–AD; Amendment 39–13285; AD 2003–17–10] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4523. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce Deutschland Ltd. & Co KG Dart 528, 529, 529D, 531, 532, 535, 542, and 552 Series Turboprop Engines. [Docket No. 2003–NE–10–AD; Amendment 39–13286; AD 2003–17–11] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4524. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Learjet Model 45 Airplanes [Docket No. 2003–NM–142–AD; Amendment 39–13272; AD 2003–16–19] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4525. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Learjet Model 45 Airplanes [Docket No. 2003–NM–141–AD; Amendment 39–13262; AD 2003–16–09] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4526. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Wytwornia Sprzetu Komunikacyjnego (WSK) PZL–10W Turboshaft Engines [Docket No. 2003–NE–30–AD; Amendment 39–13295; AD 2003–18–04] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4527. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace Corning, IA [Docket No. FAA–2003–15727; Airspace Docket No. 03–ACE–69] received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4528. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model EC 155B, SA–365N and N1, AS–365N2, and AS 365 N3 Helicopters [Docket No. 2002–SW–53–AD; Amendment 39–13294; AD 2003–18–03] (RIN 2120–AA64) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4529. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Clarion, IA [Docket No. FAA–2003–15726; Airspace Docket No. 03–ACE–68] received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4530. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace, Chariton, IA [Docket No. FAA–2003–15725; Airspace Docket No. 03–ACE–67] received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4531. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace, Wichita Mid-Continent Airport, KS [Docket No. FAA–2003–15454; Airspace Docket No. 03–ACE–52] received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4532. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Window Rock, AZ [Docket No. FAA–2003–15299; Airspace Docket No. 03–AWP–9] received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4533. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No. 2002–NM–62–AD; Amendment 39–13246; AD 2003–15–04] (RIN: 2120–AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4534. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc RB211 Trent 800 Series Turbofan Engines [Docket No. 2003–NE–03–AD; Amendment 39–13249; AD 2003–15–06] (RIN: 2120–AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4535. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Honeywell International Inc. (formerly Allied Signal) Model RE220 (RJ) Auxiliary Power Units [Docket No. 2002–NE–42–AD; Amendment 39–13250; AD 2003–15–07] (RIN: 2120–AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4536. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Honeywell International Inc. (formerly AlliedSignal) Model RE220 (RJ) Auxiliary Power Units [Docket No. 2002–NE–42–AD; Amendment 39–13250; AD 2003–15–07] (RIN: 2120–AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4537. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120 Series Airplanes [Docket No. 2000–NM–66–AD; Amendment 39–13248; AD 2003–15–05] (RIN: 2120–AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4538. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–100, –100B, –100B SUD, –200B, –200C, –200F, –300, –400, –400D, and –400F Series Airplanes; and Model 747SR Series Airplanes [Docket No. 2001–NM–117–AD; Amendment 39–13261; AD 2003–16–08] (RIN: 2120–AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4539. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 2002–NM–16–AD; Amendment 39–13260; AD 2003–16–07] (RIN: 2120–AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4540. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes Equipped with General Electric CF6–45 or CF6–50 Series Engines [Docket No. 2001–NM–232–AD; Amendment 39–13259; AD 2003–16–06] (RIN: 2120–AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4541. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; MD Helicopters, Inc. Model MD900 Helicopters [Docket No. 2003–SW–33–AD; Amendment 39–13255; AD 2003–14–51] (RIN: 2120–AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4542. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT8D–200 Series Turbofan Engines [Docket No. 2002–NE–41–AD; Amendment 39–13258; AD 2003–16–05] (RIN: 2120–AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4543. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc Trent 768–60, Trent 772–60, and Trent 772B–60 Turbofan Engines [Docket No. 2003–NE–28–AD; Amendment 39–13252; AD 2003–15–09] (RIN: 2120–AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4544. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney Canada Turboprop Engines [Docket No. 2001–NE–34–AD; Amendment 39–13257; AD 2003–16–04] (RIN: 2120–AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4545. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Turbomeca Arriel 1 Series Turboshaft Engines [Docket No. 94–ANE–08–AD; Amendment 39–13256; AD 2003–16–03] (RIN: 2120–AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4546. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30, DC–10–30F (KC10A and KDC–10), DC–10–40,

DC–10–40F, MD–10–10F, and MD–10–30F Airplanes [Docket No. 2003–NM–144–AD; Amendment 39–13254; AD 2003–16–02] (RIN: 2120–AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4547. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 and –11F Airplanes [Docket No. 2001–NM–357–AD; Amendment 39–13253; AD 2003–16–01] (RIN: 2120–AA64) received September 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4548. A letter from the Chairman, International Trade Commission, transmitting pursuant to section 204(a)(2) of the Trade Act of 1974, a report on Investigation No. TA–204–9 entitled, ''Steel, Monitoring Developments in the Domestic Industry,'' and a report on Investigation No. 332–452 entitled, ''Steel-Consuming Industries: Competitive Conditions With Respect to Steel Safeguard Measures''; 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. HYDE: Committee on International Relations. House Resolution 364. Resolution of inquiry requesting the President to transmit to the House of Representatives not later than 14 days after the date of adoption of this resolution the report prepared for the Joint Chiefs of Staff entitled ''Operation Iraqi Freedom Strategic Lessons Learned'' and documents in his possession on the reconstruction and security of post-war Iraq; adversely (Rept. 108–289, Pt. 1). Ordered to be printed.

Mrs. MYRICK: Committee on Rules. House Resolution 383. Resolution waiving points of order against the conference report to accompany the bill (S. 3) to prohibit the procedure commonly known as partial-birth abortion (Rept. 108–290). Referred to the House Calendar.

Mr. OXLEY: Committee of Conference. Conference report on H.R. 1474. A bill to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes (Rept. 108–291). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TIAHRT (for himself, Mr. RYUN of Kansas, and Mr. OTTER):

H.R. 3213. A bill to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself, Mr. DELAHUNT, Mr. LAHOOD, Mr. CONYERS, Mr. COBLE, Mr. SCOTT of Virginia, Mr. GREEN of Wisconsin, Mr. WEINER, Mr. SCHIFF, Mr. HYDE, Mr. CANNON, Mr. CHABOT, Mr. SMITH of Texas, Mr. BACHUS, Mr. CARTER, Mr. FEENEY, Mr. FORBES, Mr. GALLEGLY, Mr. GOODLATTE, Ms. HART, Ms. JACKSON-LEE of Texas, Mr. JENKINS, Mr. KELLER, Mr. KING of Iowa, Ms. LOFGREN, Mr. MEEHAN, Mr. PENCE, Ms. WATERS, Mr. WATT, Mr. WEXLER, Ms. PRYCE of Ohio, Mr. ABERCROMBIE, Mr. BASS, Mr. BERMAN, Mr. BLUMENAUER, Mr. BOEHNER, Mr. BROWN of Ohio, Mr. CALVERT, Mr. CAMP, Mr. CASE, Mr. CAPUANO, Mrs. CHRISTENSEN, Mr. CROWLEY, Mr. CUMMINGS, Mr. DOOLEY of California, Mr. EMANUEL, Mr. ENGEL, Mr. ENGLISH, Mr. EVANS, Mr. FARR, Mr. FILNER, Mr. GEPHARDT, Mr. GIBBONS, Mr. GILCHREST, Mr. GREENWOOD, Mr. HOEFFEL, Mr. HILL, Mr. HINCHEY, Mr. HOLDEN, Mr. HOLT, Mr. JACKSON of Illinois, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KING of New York, Mrs. MALONEY, Ms. MCCARTHY of Missouri, Mr. MCGOVERN, Mr. MCINNIS, Mr. MCNULTY, Mr. OBERSTAR, Mr. OLVER, Mr. PETRI, Mr. QUINN, Mr. RODRIGUEZ, Mr. RUSH, Mr. SANDERS, Mr. SANDLIN, Mr. SERRANO, Mr. SHERMAN, Mr. SMITH of Washington, Ms. SOLIS, Mr. SPRATT, Mr. STARK, Mr. STRICKLAND, Mrs. TAUSCHER, Mr. UDALL of Colorado, Mr. WALSH, Mr. WOLF, Ms. WOOLSEY, Mr. STUPAK, Ms. VELAZQUEZ, Ms. CARSON of Indiana, Mr. GREEN of Texas, Mr. NADLER, Mrs. NAPOLITANO, Mr. SHIMKUS, Ms. CORRINE BROWN of Florida, Mr. LANGEVIN, Mr. MORAN of Virginia, and Mr. MCDERMOTT):

H.R. 3214. A bill to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes; to the Committee on the Judiciary, 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. DEMINT (for himself, Mr. HALL, Mr. AKIN, Mr. BACHUS, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BASS, Mr. BISHOP of Utah, Mr. BLUNT, Mr. BOOZMAN, Mr. BROWN of South Carolina, Mr. BURGESS, Mr. DEAL of Georgia, Mr. FLAKE, Mr. FOSSELLA, Mr. GARRETT of New Jersey, Mr. ENGLISH, Mr. GINGREY, Mr. GOODE, Ms. HART, Mr. HOEKSTRA, Mr. ISAKSON, Mr. ISTOOK, Mr. KINGSTON, Mr. LATOURETTE, Mr. LINDER, Mr. GARY G. MILLER of California, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NEY, Mr. NORWOOD, Mr. OXLEY, Mr. PEARCE, Mr. PETERSON of Minnesota, Mr. PITTS, Mr. PLATTS, Mr. PUTNAM, Mr. ROGERS of Michigan, Ms. ROS-LEHTINEN, Mr. RYUN of Kansas, Mr. SCHROCK, Mr. SENSENBRENNER, Mr. SHAYS, Mr. SHIMKUS, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. WAMP, Mr. WILSON of South Carolina, and Mr. WOLF):

H.R. 3215. A bill to establish a commission on tax reform; to the Committee on Ways and Means, and in addition to the Committee on Rules, 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. ANDREWS:

H.R. 3216. A bill to amend title 10, United States Code, to allow a participant in the military Survivor Benefit Plan who has designated an insurable interest beneficiary under that plan to designate a new beneficiary upon the death of the previously designated beneficiary; to the Committee on Armed Services.

By Mr. BOYD:

H.R. 3217. A bill to provide for the conveyance of several small parcels of National Forest System land in the Apalachicola National Forest, Florida, to resolve boundary discrepancies involving the Mt. Trial Primitive Baptist Church of Wakulla County, Florida, and for other purposes; to the Committee on Agriculture.

By Mr. FLAKE:

H.R. 3218. A bill to amend the Immigration and Nationality Act to clarify that willful failure to depart from the United States by an alien against whom a final order of removal is outstanding is a continuing criminal offense, and for other purposes; to the Committee on the Judiciary.

By Mr. HALL (for himself, Mr. ROHRABACHER, and Mr. GORDON):

H.R. 3219. A bill to establish an independent committee to oversee the National Aeronautics and Space Administration's Space Shuttle return-to-flight plans, and for other purposes; to the Committee on Science.

By Mr. GOODLATTE (for himself, Mr. BOUCHER, Mr. BOEHNER, Mr. SMITH of Texas, Mr. CHABOT, Mr. FORBES, Ms. PRYCE of Ohio, Mr. RAMSTAD, Mr. WILSON of South Carolina, Mr. TIBERI, and Mr. BARRETT of South Carolina):

H.R. 3220. A bill to regulate certain State taxation of interstate commerce, and for other purposes; to the Committee on the Judiciary.

By Mr. HASTINGS of Florida:

H.R. 3221. A bill to amend the War Powers Resolution to require the President to include post-conflict strategy in the report required under the Resolution, and for other purposes; to the Committee on International Relations.

By Mrs. LOWEY (for herself and Mrs. KELLY):

H.R. 3222. A bill to designate the Federal building and United States courthouse located at 300 Quarropas Street in White Plains, New York, as the ''Charles L. Brieant, Jr. Federal Building and United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. RADANOVICH:

H.R. 3223. A bill to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation; to the Committee on Resources.

By Mr. ROHRABACHER (for himself, Mr. CUNNINGHAM, and Mr. WELDON of Pennsylvania):

H.R. 3224. A bill to provide for the issuance of the Office of the Secretary of Defense Exceptional Public Service Award to journalists who accompanied units of the United States Armed Forces or coalition partners into Iraq during Operation Iraqi Freedom, a process referred to as ''embedding'', in order to provide first-hand and timely reports on the progress of the United States and coalition forces and the liberation of the Iraqi people; to the Committee on Armed Services.

By Mr. SHAW (for himself, Mr. KLECZKA, and Mr. PETERSON of Minnesota):

H.R. 3225. A bill to permit startup partnerships and S corporations to elect taxable years other than required years; to the Committee on Ways and Means.

By Mr. WEXLER (for himself and Mr. HONDA):

H.R. 3226. A bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II; to the Committee on the Judiciary.

By Mr. MCCOTTER (for himself, Mr. CAMP, Mr. ROGERS of Michigan, Mrs. MILLER of Michigan, Mr. HOEKSTRA, Mr. EHLERS, Mr. KNOLLENBERG, Mr. UPTON, and Mr. SMITH of Michigan):

H.J. Res. 71. A joint resolution proposing an amendment to the Constitution of the United States deeming Presidential nominees to be appointed at the time of nomination subject to disapproval by the Senate within 120 days of receiving the nomination from the President; to the Committee on the Judiciary.

By Mr. DEFAZIO:

H. Con. Res. 290. Concurrent resolution urging that the United States file a complaint in the World Trade Organization against oil-producing countries for violating their obligations under the rules of that organization; to the Committee on Ways and Means.

By Ms. SOLIS (for herself, Mr. HONDA, Mr. GEORGE MILLER of California, Mr. OWENS, Mr. BERMAN, Mr. GUTIERREZ, Ms. SCHAKOWSKY, Ms. LINDA T. SANCHEZ of California, Ms. JACKSON-LEE of Texas, Ms. LEE, Mr. GRIJALVA, Mr. CROWLEY, Mr. SERRANO, Mr. MCDERMOTT, Mr. REYES, Ms. ROYBAL-ALLARD, Ms. NORTON, Mr. RODRIGUEZ, Mr. TOWNS, Mr. PAYNE, Mr. FILNER, Mr. LEWIS of Georgia, Mr. BACA, Mr. FROST, Mr. BECERRA, Ms. MCCOLLUM, Mr. KILDEE, Mr. MCGOVERN, Mr. MCNULTY, Mr. HINCHEY, Ms. BALDWIN, Mr. WYNN, and Ms. LORETTA SANCHEZ of California):

H. Res. 384. A resolution supporting the goals of the Immigrant Workers Freedom Ride; to the Committee on the Judiciary.

By Mr. CAPUANO (for himself, Mr. FOSSELLA, Mr. ROYCE, Mr. SESSIONS, Mr. CROWLEY, Mr. EVANS, Mr. TOM DAVIS of Virginia, Mr. RANGEL, Ms. MILLENDER-MCDONALD, Mr. BLUMENAUER, Mr. SCHIFF, Mr. KIRK, and Mr. MCNULTY):

H. Res. 385. A resolution recognizing the 50th anniversary of the U.S.-R.O.K (South Korea) Mutual Defense Treaty as a momentous occasion and as an excellent opportunity to reaffirm a mutual commitment and to continue to deepen cooperation and friendship between the United States and the Republic of Korea; to the Committee on International Relations.

By Ms. MILLENDER-MCDONALD (for herself, Mr. BISHOP of Georgia, Ms. NORTON, and Mr. WYNN):

H. Res. 386. A resolution honoring the life and accomplishments of Althea Gibson, a pioneer who left an indelible mark on sports, breaking the color barrier in the sport of tennis in the 1950s and helping pave the way for future generations of black athletes; to the Committee on Government Reform.

By Mr. MOORE (for himself, Mr. MORAN of Kansas, Mr. RANGEL, Mrs. EMERSON, Mr. FROST, Mr. SHAYS, Mr. DICKS, Mr. JONES of North Carolina, Mr. TAYLOR of Mississippi, Mr. BAKER, Mr. MCNULTY, Mr. UPTON, Mr. ALEXANDER, Ms. BERKLEY, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CARDOZA, Mr. CLAY, Mr. CROWLEY, Mr. DOYLE, Mr. EMANUEL, Mr. FORD, Mr. GREEN of Texas, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Mr. KING of New York, Mr. KUCINICH, Ms. LEE, Mr. LUCAS of Kentucky, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Ms. MCCOLLUM, Mr. MEEHAN, Mr. MEEK of Florida, Mr. NADLER, Mr. OSE, Mr. PETERSON of Minnesota, Mr. PETERSON of Pennsylvania, Mr. POMEROY, Mr. SANDLIN, Mr. SCHIFF, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Mr. SMITH of Washington, Mrs. JONES of Ohio, Mr. TURNER of Texas, Mr. UDALL of New Mexico, and Mr. WAMP):

H. Res. 387. A resolution expressing the sense of the House of Representatives that the Rest and Recuperation Leave program for members of the Armed Forces serving in combat zones in support of Operation Iraqi Freedom or Operation Enduring Freedom should cover all travel and transportation costs necessary to return members of the Armed Forces granted such leave to their homes located throughout the United States; to the Committee on Armed Services.

By Mr. RYUN of Kansas:

H. Res. 388. A resolution expressing the sense of the House of Representatives that ''Put the Brakes on Fatalities Day'' should be established; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of September 30, 2003]

H.R. 31: Mr. GORDON.

H.R. 218: Mr. HENSARLING.

H.R. 284: Mr. BURGESS.

H.R. 290: Mr. GUTIERREZ, Mr. PORTER, Mr. TIERNEY, and Mr. BERRY.

H.R. 303: Mr. BECERRA, Mr. BERMAN, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. MAJETTE.

H.R. 324: Mr. BRADLEY of New Hampshire.

H.R. 331: Mr. HONDA.

H.R. 339: Mr. GARRETT of New Jersey.

H.R. 348: Mr. LEACH.

H.R. 391: Mr. JENKINS.

H.R. 401: Mr. GREENWOOD.

H.R. 466: Ms. DEGETTE.

H.R. 490: Mr. LEACH.

H.R. 571: Mr. GREEN of Texas, Mr. CANNON, Mr. VITTER, and Mr. JONES of North Carolina.

H.R. 594: Mr. BILIRAKIS, Mr. FALEOMAVAEGA, Mr. TURNER of Ohio, and Mr. BOOZMAN.

H.R. 713: Mr. STARK.

H.R. 728: Mr. ROGERS of Michigan, Mrs. MUSGRAVE, Mr. NEY, and Mr. JONES of North Carolina.

H.R. 742: Mr. WYNN, Mr. LEWIS of Georgia, and Mr. HONDA.

H.R. 806: Mr. BOEHLERT.

H.R. 819: Mr. CASE.

H.R. 852: Ms. BALDWIN, Mr. DOGGETT, Mr. SABO, Mr. HONDA, and Ms. KILPATRICK.

H.R. 857: Mrs. DAVIS of California, Mr. STARK, Mr. GUTIERREZ, Mr. FARR, Mrs. TAUSCHER, and Mr. WEXLER.

H.R. 869: Mr. BOEHLERT.

H.R. 876: Mr. WAMP, Mr. BLUMENAUER, and Mr. GIBBONS.

H.R. 936: Mr. TOWNS.

H.R. 1070: Mr. PRICE of North Carolina.

H.R. 1093: Mr. KILDEE, Mr. JEFFERSON, and Ms. NORTON.

H.R. 1117: Mrs. JO ANN DAVIS of Virginia.

H.R. 1125: Ms. LEE.

H.R. 1155: Mr. OLVER, Mr. CUMMINGS, Mr. JENKINS, Mr. FILNER, Mr. ROGERS of Michigan, and Mr. MILLER of North Carolina.

H.R. 1157: Mr. KENNEDY of Rhode Island.

H.R. 1196: Ms. NORTON.

H.R. 1212: Mr. VAN HOLLEN and Mr. HOLDEN.

H.R. 1220: Mr. KNOLLENBERG and Mrs. BONO.

H.R. 1229: Mr. KINGSTON.

H.R. 1260: Mr. GOODLATTE.

H.R. 1285: Mr. SCOTT of Virginia.

H.R. 1301: Mrs. MUSGRAVE.

H.R. 1345: Mr. VAN HOLLEN and Mr. ROTHMAN.

H.R. 1359: Mr. PAYNE.

H.R. 1367: Mr. LATHAM.

H.R. 1425: Mr. SANDERS.

H.R. 1508: Ms. ROYBAL-ALLARD and Mrs. LOWEY.

H.R. 1581: Mr. PORTER.

H.R. 1633: Mr. ISRAEL, Mr. HINOJOSA, and Mr. PAYNE.

H.R. 1675: Mr. REHBERG.

H.R. 1708: Mr. HOBSON.

H.R. 1738: Mr. GORDON and Ms. MCCOLLUM.

H.R. 1749: Mr. CHOCOLA, Mr. MCGOVERN, Mr. JANKLOW, Mr. HAYES, Mr. BROWN of South Carolina, and Mr. FOSSELLA.

H.R. 1755: Mr. EVERETT.

H.R. 1764: Ms. CARSON of Indiana, Mr. STUPAK, Ms. CORRINE BROWN of Florida, Mr. KING of New York, and Mr. TIERNEY.

H.R. 1776: Mr. MEEKS of New York.

H.R. 1828: Mr. GARY G. MILLER of California and Mr. PETRI.

H.R. 1861: Mr. KENNEDY of Rhode Island and Mr. TIERNEY.

H.R. 1874: Mr. HINOJOSA.

H.R. 1914: Mr. ACKERMAN, Mr. EHLERS, Mr. FOSSELLA, Mr. HEFLEY, Mr. HOYER, Mrs. MUSGRAVE, Mr. ROGERS of Michigan, Mr. SMITH of Michigan, Mr. TAUZIN, Ms. WATERS, and Mr. MCCOTTER.

H.R. 1943: Mr. BLUNT.

H.R. 1958: Mr. VAN HOLLEN.

H.R. 1994: Mrs. CAPPS.

H.R. 1999: Mr. ANDREWS.

H.R. 2045: Mr. BISHOP of Utah, Mr. SANDLIN, Mr. BONILLA, Mr. RENZI, Mr. JENKINS, Mr. POMBO, Mr. LUCAS of Oklahoma, Mr. DEAL of Georgia, and Mr. CUNNINGHAM.

H.R. 2047: Mr. WELLER.

H.R. 2094: Mr. CANNON, Mr. VITTER, Mrs. MUSGRAVE, Mr. PORTER, and Mr. OTTER.

H.R. 2181: Mr. RYAN of Wisconsin.

H.R. 2202: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 2347: Mr. CHOCOLA and Mr. TOOMEY.

H.R. 2369: Mr. FROST.

H.R. 2379: Mr. BOUCHER.

H.R. 2404: Ms. CORRINE BROWN of Florida.

H.R. 2481: Mr. CUMMINGS.

H.R. 2475: Mr. SHUSTER.

H.R. 2511: Mr. THOMPSON of California, Mr. RUPPERBERGER, Mr. JONES of North Carolina, and Mr. VAN HOLLEN.

H.R. 2512: Mrs. KELLY.

H.R. 2521: Mr. SANDERS.

H.R. 2538: Mr. KELLER and Mr. MILLER of Florida.

H.R. 2540: Ms. LINDA T. SANCHEZ of California and Mr. GUTKNECHT.

H.R. 2571: Mr. SMITH of Michigan.

H.R. 2574: Mr. HONDA and Mr. SABO.

H.R. 2582: Mr. EMANUEL and Mr. SPRATT.

H.R. 2585: Mr. MCGOVERN.

H.R. 2602: Mr. CANNON and Mr. GIBBONS.

H.R. 2625: Mrs. MCCARTHY of New York, Mr. NADLER, and Mr. MILLER of North Carolina.

H.R. 2640: Mr. CASE.

H.R. 2671: Mrs. KELLY and Mr. TOOMEY.

H.R. 2685: Mr. MCNULTY, Mr. FALEOMAVAEGA, Mr. EMANUEL, and Mr. BALLANCE.

H.R. 2705: Mr. BISHOP of New York.

H.R. 2732: Mr. NEY.

H.R. 2768: Ms. DEGETTE, Mr. CLAY, and Mr. LARSON of Connecticut.

H.R. 2801: Mr. CARDIN, Mr. SCOTT of Georgia, Mr. RUPPERSBERGER, and Mr. CLAY.
H.R. 2816: Ms. LINDA T. SANCHEZ of California, Mr. SANDLIN, Mrs. CHRISTENSEN, Mr. ISRAEL, Mrs. MALONEY, Ms. BORDALLO, Mr. CASE, Mr. FROST, and Mr. BOUCHER.
H.R. 2821: Mr. MCNULTY, Ms. LOFGREN, Mr. WALSH Mr. GORDON, and Mr. PAYNE.
H.R. 2823: Mr. TIAHRT.
H.R. 2828: Ms. LORETTA SANCHEZ of California.
H.R. 2827: Mr. VAN HOLLEN.
H.R. 2849: Mr. FRELINGHUYSEN, Mr. HYDE, and Mrs. MYRICK.
H.R. 2852: Mr. AKIN, Mr. LATHAM, Mr. MARSHALL, and Mr. DEMINT.
H.R. 2891: Mr. ISRAEL, Mr. CUMMINGS, Mr. MCDERMOTT, Ms. NORTON, and Mr. BISHOP of Georgia.
H.R. 2908: Mr. GRIJALVA and Mr. HINCHEY.
H.R. 2932: Mr. LEVIN, Mrs. MALONEY, and Ms. WOOLSEY.
H.R. 2954: Mr. SHAYS.
H.R. 2990: Mr. HOBSON, Mr. FROST, and Mr. DREIER.
H.R. 2998: Mr. FLETCHER, Ms. HOOLEY of Oregon, Ms. HARRIS, Mr. HOYER, Mr. SMITH of New Jersey, Mr. GINGREY, Mr. DEAL of Georgia, Mr. CLAY, Mr. NORWOOD, Mrs. CAPPS, Mr. CHABOT, Mr. DEMINT, Mr. UDALL of Colorado, and Mr. GUTKNECHT.
H.R. 3002: Mr. BACHUS and Mr. OTTER.
H.R. 3004: Ms. WOOLSEY.
H.R. 3012: Mr. QUINN and Mr. BOEHLERT.
H.R. 3022: Mr. EMANUEL and Mr. GRIJALVA.
H.R. 3023: Ms. MCCOLLUM, Mr. MCDERMOTT, and Mr. STUPAK.
H.R. 3035: Mr. MCHUGH.
H.R. 3049: Mr. BAIRD, Mr. SPRATT, and Mr. BISHOP of Georgia.
H.R. 3051: Mrs. MALONEY, Mr. GOODE, and Mr. BROWN of Ohio.
H.R. 3052: Mr. HAYWORTH and Mrs. MYRICK.
H.R. 3053: Mr. RYAN of Ohio, Ms. WOOLSEY, and Mr. PRICE of North Carolina.
H.R. 3058: Mr. WELDON of Pennsylvania, Mr. BAKER, Mr. BURTON of Indiana, and Mr. GOODLATTE.
H.R. 3069: Mr. BISHOP of Utah and Mr. BURTON of Indiana.
H.R. 3092: Ms. DUNN, Mr. TIAHRT, Ms. LOFGREN, Mrs. WILSON of New Mexico, and Mr. PUTNAM.
H.R. 3099: Mr. GUTIERREZ, Ms. WOOLSEY, Ms. DEGETTE, Mr. SANDERS, Mr. DEUTSCH, Mr. CROWLEY, Mr. DAVIS of Illinois, Mr. FORD, and Mr. JEFFERSON.
H.R. 3104: Mr. THOMPSON of California, Mr. LANGEVIN, and Mr. COOPER.
H.R. 3119: Mr. SOUDER, Mr. BERRY, Mr. OBBORNE, Mr. BEREUTER, Mr. RYAN of Wisconsin, Mr. BAKER, Mr. JANKLOW, Mr. PETERSON of Minnesota, Mr. BEAUPREZ, Mr. GREEN of Wisconsin, Mr. HOBSON, Mr. CHOCOLA, and Mr. GUTKNECHT.
H.R. 3120: Mrs. JONES of Ohio and Mr. GEORGE MILLER of California.
H.R. 3125: Mr. KINGSTON and Mr. SIMPSON.
H.R. 3130: Mrs. MYRICK and Mr. BOEHNER.
H.R. 3133: Mr. OLVER, Mrs. DAVIS of California, Ms. MCCOLLUM, Mr. BLUMENAUER, Mr. MCDERMOTT, Mr. GILCHREST, Mr. VAN HOLLEN, and Mr. MCNULTY.
H.R. 3149: Mr. RYAN of Ohio.
H.R. 3166: Mr. TOWNS, Mr. BOEHLERT, Mr. MEEKS of New York, Mr. WEINER, Mr. ISRAEL, Mr. CROWLEY, Mrs. MALONEY, Mr. QUINN, Mr. OWENS, Mr. ACKERMAN, Mr. NADLER, Mr. SERRANO, Mr. FOSSELLA, Mr. REYNOLDS, and Mrs. KELLY.
H.R. 3167: Mr. TOWNS, Mr. BOEHLERT, Mr. MEEKS of New York, Mr. WEINER, Mr. ISRAEL, Mr. CROWLEY, Mrs. MALONEY, Mr. QUINN, Mr. OWENS, Mr. ACKERMAN, Mr. NADLER, Mr. SERRANO, Mr. FOSSELLA, Mr. REYNOLDS, and Mrs. KELLY.
H.R. 3171: Mr. GUTIERREZ.
H.R. 3189: Mr. WEXLER.
H.J. Res 56: Mr. BACHUS and Mr. MCCOTTER.
H.J. Res 62: Mr. MCGOVERN, Mr. BROWN of South Carolina and Mr. TIBERI.
H. Con. Res. 37: Mr. ISAKSON.
H. Con. Res. 50: Mr. DEAL of Georgia.
H. Con. Res. 218: Mr. HASTINGS of Florida and Mr. BISHOP of Georgia.
H. Con. Res. 247: Mr. WOLF.
H. Con. Res. 264: Mr. BOOZMAN.
H. Con. Res. 275: Mr. CLAY.
H. Con. Res. 280: Mr. OBERSTAR, Mr. OTTER, Mr. MOORE, Mr. SHIMKUS, Mrs. CHRISTENSEN, Mr. HAYWORTH, Mr. DUNCAN, Mr. TANNER, Mr. WILSON of South Carolina, Mrs. TAUSCHER, Mr. GREENWOOD, Mr. MATHESON, Mrs. MCCARTHY of New York, Mrs. CUBIN, Mr. BERRY, Mr. HOLDEN, Mr. FOLEY, Mr. CASE, Mr. PICKERING, Mr. PASCRELL, Mr. SHUSTER, Mr. CARTER, Mr. BOSWELL, Mr. BURTON of Indiana, Mr. ALEXANDER, Mr. DOOLITTLE, Mr. HAYES, Mr. MCINNIS, Mr. SCOTT of Georgia, Mr. MCGOVERN, Mr. REHBERG, Mr. CUNNINGHAM, Mr. BARTLETT of Maryland, Mr. ROGERS of Michigan, Mr. NEY, Mr. ISAKSON, Mr. PEARCE, Mr. GILCHREST, Mr. WICKER, and Mr. VITTER.
H. Con. Res. 282: Mr. FARR and Mr. MCGOVERN.
H. Con. Res. 285: Mr. BALLENGER, Mr. GOODLATTE, and Mrs. MYRICK.
H. Res. 42: Mr. WU.
H. Res. 103: Mr. BISHOP of New York, Mr. MURPHY, and Mr. GUTKNECHT.
H. Res. 362: Mr. BUYER and Mr. ENGLISH.
H. Res. 373: Mr. GORDON, Mr. UDALL of Colorado, Mr. FRANK of Massachsetts, Ms. SOLIS, Mr. MCNULTY, Ms. KILPATRICK, Mr. WALSH, Mr. LEVIN, and Mr. BLUMENAUER.

[Submitted October 1, 2003]

H.R. 20: Mr. CARSON of Oklahoma, Mr. GUTIERREZ, and Mr. LARSEN of Washington.
H.R. 31: Mr. SCHROCK.
H.R. 36: Mr. MILLER of Florida.
H.R. 110: Mrs. MUSGRAVE.
H.R. 135: Mr. KINGSTON.
H.R. 195: Mr. KENNEDY of Minnesota.
H.R. 251: Mr. FROST.
H.R. 303: Mr. BELL.
H.R. 594: Mr. ROGERS of Kennedy, Mr. KANJORSKI, Mr. FORD, and Mr. JACKSON of Illinois.
H.R. 645: Ms. SLAUGHTER, Mr. MORAN of Kansas, and Mr. COLE.
H.R. 664: Mr. MATSUI.
H.R. 857: Mr. GREEN of Wisconsin.
H.R. 920: Mr. PAYNE.
H.R. 930: Ms. HOOLEY of Oregon.
H.R. 936: Mr. BECERRA and Mrs. MALONEY.
H.R. 962: Mr. MICHAUD, Mr. ISRAEL, and Mr. CROWLEY.
H.R. 1057: Mr. STRICKLAND.
H.R. 1081: Mr. BARTLETT of Maryland and Mr. MICHAUD.
H.R. 1105: Mr. NEY.
H.R. 1136: Mr. CUMMINGS.
H.R. 1160: Mr. GALLEGLY and Ms. HOOLEY of Oregon.
H.R. 1177: Mr. HYDE.
H.R. 1236: Mr. MCHUGH.
H.R. 1322: Mr. SANDLIN, Mrs. LOWEY, Mr. EMANUEL, Mr. ISRAEL, and Mr. COSTELLO.
H.R. 1358: Mr. GREENWOOD.
H.R. 1381: Ms. MCCARTHY of Missouri and Mr. HOLT.
H.R. 1385: Mr. MCINTYRE, Mr. GREEN of Wisconsin, and Mr. BISHOP of New York.
H.R. 1422: Mr. TERRY.
H.R. 1532: Ms. ESHOO, Mr. CROWLEY, Mr. FROST, Mrs. KELLY, Mr. KILDEE, Mr. GUTIERREZ, Mr. RAMSTAD, and Mr. ENGEL.
H.R. 1547: Mr. KINGSTON and Mr. MILLER of Florida.
H.R. 1554: Mr. MICHAUD.
H.R. 1592: Mr. FRANK of Massachusetts, Ms. CORRINE BROWN of Florida, Mr. CUMMINGS, Mr. VAN HOLLEN, Mr. HASTINGS of Florida, and Mr. RODRIGUEZ.
H.R. 1622: Mrs. MUSGRAVE.
H.R. 1684: Mr. BACA, Ms. LEE, Mr. MCGOVERN, Mr. UDALL of Colorado, Mr. SMITH of Washington, Ms. PELOSI, Mr. ORTIZ, Mr. HOEFFEL, Mr. OSBORNE, and Mr. DEUTSCH.
H.R. 1692: Mr. PAYNE and Mr. FOLEY.
H.R. 1704: Ms. BERKLEY and Ms. HOOLEY of Oregon.
H.R. 1708: Mr. SNYDER.
H.R. 1742: Mr. BURGESS, Mr. HENSARLING, and Mr. NUNES.
H.R. 1749: Ms. BERKLEY and Mr. ROGERS of Kentucky.
H.R. 1778: Mr. BEAUPREZ.
H.R. 1793: Mr. COX, Mr. HOSTETTLER, and Mr. BLUNT.
H.R. 1819: Mr. UDALL of New Mexico.
H.R. 1905: Mr. MILLER of Florida.
H.R. 1910: Mr. SNYDER.
H.R. 1916: Mr. JOHN, Mr. NEY, and Mr. WALSH.
H.R. 1919: Mr. GEORGE MILLER of California, Mr. PAYNE, Mr. HALL, Mr. HONDA, Mrs. CHRISTENSEN, and Mr. RODRIGUEZ.
H.R. 1924: Mr. GRIJALVA, Mr. BAIRD, Mr. CUMMINGS, Mr. VAN HOLLEN, Mr. HASTINGS of Florida, Mr. RODRIGUEZ, Ms. CORRINE BROWN of Florida, and Mr. FRANK of Massachusetts.
H.R. 1943: Mr. OXLEY.
H.R. 1983: Mr. FALEOMAVAEGA.
H.R. 2022: Mr. BEAUPREZ and Mr. PUTNAM.
H.R. 2133: Mr. HULSHOF.
H.R. 2154: Mr. FERGUSON.
H.R. 2203: Ms. ROYBAL-ALLARD and Mr. PAYNE.
H.R. 2214: Mr. TIAHRT.
H.R. 2224: Mr. GUTKNECHT.
H.R. 2232: Mr. CARSON of Oklahoma.
H.R. 2318: Mrs. LOWEY and Mr. JONES of North Carolina.
H.R. 2347: Mr. SHADEGG and Mr. GERLACH.
H.R. 2353: Mr. GUTIERREZ.
H.R. 2366: Mr. BALLANCE, Mrs. LOWEY, and Mr. DOOLEY of California.
H.R. 2371: Mr. FRANK of Massachusetts, Mr. WALSH, Mr. BLUMENAUER, Mr. HONDA, and Ms. WOOLSEY.
H.R. 2379: Mr. PUTNAM, Mrs. CAPPS and Mr. DAVIS of Tennessee.
H.R. 2404: Mr. CLYBURN.
H.R. 2515: Mrs. JONES of Ohio and Mr. CASE.
H.R. 2539: Ms. CORRINE BROWN of Florida and Mr. BISHOP of Georgia.
H.R. 2553: Mr. GUTIERREZ and Mr. HINOJOSA.
H.R. 2558: Mr. ENGLISH.
H.R. 2568: Mr. KIND.
H.R. 2632: Mr. TERRY.
H.R. 2637: Ms. LINDA T. SANCHEZ of California.
H.R. 2700: Mr. ACEVEDO-VILA.
H.R. 2706: Mr. HONDA.
H.R. 2728: Mr. AKIN, Mr. GERLACH, Mr. CHOCOLA, Mrs. MUSGRAVE, and Mr. TOOMEY.
H.R. 2729: Mr. AKIN, Mr. GERLACH, Mr. CHOCOLA, Mrs. MUSGRAVE, and Mr. TOOMEY.
H.R. 2730: Mr. AKIN, Mr. GERLACH, Mr. CHOCOLA, Mrs. MUSGRAVE, and Mr. TOOMEY.
H.R. 2731: Mr. AKIN, Mr. CHOCOLA, Mrs. MUSGRAVE, and Mr. TOOMEY.
H.R. 2732: Mr. TERRY.
H.R. 2733: Mrs. CUBIN, Mrs. WILSON of New Mexico, and Mr. MEEKS of New York.
H.R. 2743: Mr. DEMINT and Mr. BEAUPREZ.
H.R. 2759: Mr. GUTKNECHT.
H.R. 2823: Mr. MILLER of Florida.
H.R. 2849: Mr. MEEHAN and Mr. GIBBONS.
H.R. 2849: Mrs. WILSON of New Mexico, Ms. BALDWIN, and Mr. WELDON of Pennsylvania.
H.R. 2863: Mr. RUPPERSBERGER, Mr. BRADY of Pennsylvania, Mr. GOODE, Mr. SCOTT of Georgia, Mr. WILSON of South Carolina, Mr. CHOCOLA, Mr. TERRY, Mr. FILNER, Mr. NUSSLE, Mr. HOBSON, Mr. GRIJALVA, Mr. GREEN of Wisconsin, Mr. HOEKSTRA, Mr. FERGUSON and Mr. CROWLEY.
H.R. 2880: Mr. VAN HOLLEN.
H.R. 2911: Mr. MCDERMOTT, Mr. BROWN of Ohio, Mr. GUTIERREZ, Ms. KILPATRICK, Mrs.

NAPOLITANO, Mr. HINCHEY, Mr. COSTELLO, Ms. ROYBAL-ALLARD, Mr. LANTOS, and Mr. LIPINSKI.

H.R. 2929: Mr. CALVERT.

H.R. 2932: Mr. KILDEE, Ms. KILPATRICK, and Mr. PAYNE.

H.R. 2952: Mr. MICHAUD, Mr. EVANS, Ms. BALDWIN, Mr. SABO, Mr. SANDERS, and Mr. STARK.

H.R. 3009: Mr. DEUTSCH, Mr. SHAW, and Mr. BERMAN.

H.R. 3015: Mr. BLUNT, Mr. FLETCHER, and Ms. DELAURO.

H.R. 3022: Mr. MCGOVERN.

H.R. 3053: Mr. NADLER.

H.R. 3084: Mrs. MALONEY.

H.R. 3085: Mr. REYES, Mr. SPRATT, and Mr. MENENDEZ.

H.R. 3099: Ms. WATSON.

H.R. 3104: Mr. MICHAUD.

H.R. 3108: Mr. MCKEON, Mr. BALLENGER, Mr. COLE, Mr. WILSON of South Carolina, and Mrs. BLACKBURN.

H.R. 3111: Mr. BLUMENAUER, Mr. PORTMAN, Ms. LEE, Mr. MCGOVERN, Mr. KILDEE, and Mr. MCDERMOTT.

H.R. 3119: Mr. JOHNSON of Illinois, Mr. TERRY, Ms. NORTON, Mr. MATHESON, Mr. BACHUS, Mr. ROGERS of Alabama, Mrs. JOHNSON of Connecticut, Mr. SIMPSON, Mrs. CAPITO, and Mr. BROWN of South Carolina.

H.R. 3122: Mr. QUINN

H.R. 3125: Mr. WAMP.

H.R. 3129: Mr. MCNULTY.

H.R. 3152: Mr. FROST, Ms. MILLENDER-MCDONALD, Mrs. MCCARTHY of New York, and Mr. HOLT.

H.R. 3157: Mr. WALSH.

H.R. 3160: Mr. GINGREY, Mr. FROST, and Mr. BURNS.

H.R. 3165: Ms. HARRIS.

H.R. 3166: Mr. MCHUGH, Mr. WALSH, Ms. VELAZQUEZ, Mr. RANGEL, and Mr. SWEENEY.

H.R. 3167: Mr. MCHUGH, Mr. WALSH, Ms. VELAZQUEZ, Mr. RANGEL, and Mr. SWEENEY.

H.R. 3184: Mr. GREEN of Wisconsin and Mr. TIERNEY.

H.R. 3190: Mr. TERRY.

H.R. 3197: Mr. REYES, Mr. FORBES, Mr. GREEN of Wisconsin, Mr. MCGOVERN, Mr. FALEOMAVAEGA, Mr. GRIJALVA, and Ms. CARSON of Indiana.

H.R. 3200: Ms. BORDALLO, Mr. TOWNS, Mr. BARTLETT of Maryland, Mr. POMEROY, Mr. KING of Iowa, and Mr. WICKER.

H.R. 3208: Mr. BRADLEY of New Hampshire, Mr. KING of Iowa, Mr. FORBES, Mr. BURGESS, Mr. JONES of North Carolina, Mr. DOOLEY of California, Mrs. KELLY, Mr. TANCREDO, Ms. HARRIS, Mr. DEFAZIO, Mr. OSE, and Ms. GINNY BROWN-WAITE of Florida.

H.J. Res. 70: Mr. COOPER.

H. Con. Res. 30: Mr. NUNES, Mr. TIERNEY, and Mr. OTTER.

H. Con. Res. 50: Mr. MILLER of Florida.

H. Con. Res. 87: Ms. WATSON.

H. Con. Res. 98: Mr. TANCREDO.

H. Con. Res. 106: Mr. WYNN, Mr. SAXTON, Mr. WEINER, Mr. NADLER, Mr. GOODE, Mr. WOLF, Mr. FALEOMAVAEGA, Mr. WEXLER, Mr. SHIMKUS, Mr. FOLEY, Mr. ENGEL, Mr. HINCHEY, Mr. GRIJALVA, Mr. BERMAN, Mr. STRICKLAND, Mr. DEUTSCH, Mr. LEVIN, Mr. MCNULTY, Mr. GARRETT of New Jersey, Ms. BERKLEY, Mrs. MALONEY, Mr. ISRAEL, Mr. FRANK of Massachusetts, Mr. CANTOR, Mr. HOLDEN, Mr. NEY, Mr. OWENS, Mr. FROST, Mr. KINGSTON, Mr. CROWLEY, Mrs. LOWEY, Mr. SOUDER, Ms. KAPTUR, Mr. FILNER, Mr. MCHUGH, Mr. CANNON, Ms. HARMAN, Mr. GUTKNECHT, Mr. AKIN, Mr. SHADEGG, Mr. SCHROCK, Mrs. BLACKBURN, Mr. ADERHOLT, Mr. BRADY of Texas, Mrs. NORTHUP, Mr. BURTON of Indiana, Mr. BEAUPREZ, Mr. CHOCOLA, Mr. NORWOOD, Ms. HART, Mr. NEUGEBAUER, Mr. WAXMAN, Mr. PENCE, Mr. BISHOP of Georgia, Mr. MCKEON, Mr. LEACH, Mr. SANDLIN, Mr. MICHAUD, Mr. ROSS, Mr. SANDERS, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Tennessee, Mr. SHAYS, Mr. MCDERMOTT, Mrs. MCCARTHY of New York, and Mr. SCHIFF.

H. Con. Res. 247: Mr. UDALL of Colorado, Mr. MCGOVERN, Mr. KLECZKA, and Mr. MOORE.

H. Con. Res. 269: Mr. OWENS, Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, Mr. FILNER, and Ms. WOOLSEY.

H. Con. Res. 271: Mr. WYNN, Mr. RUPPERSBERGER, and Mr. GILCHREST.

H. Con. Res. 280: Mr. GRAVES, Mr. WELDON of Florida, Mr. MCCOTTER, Mr. LAHOOD, Mr. MORAN of Kansas, Mr. UDALL of Colorado, Ms. GINNY BROWN-WAITE of Florida, Mr. TERRY, Mr. TOOMEY, Mr. BEAUPREZ, Mr. DAVIS of Tennessee, Mr. BURNS, Mr. GOODE, Mr. GARRETT of New Jersey, Mr. BAIRD, and Mr. ROGERS of Kentucky.

H. Con. Res. 285: Mr. GREEN of Texas.

H. Res. 21: Mr. LEVIN.

H. Res. 198: Mr. BLUNT and Mr. NUNES.

H. Res. 254: Mr. EMANUEL.

H. Res. 268: Mr. RUPPERSBERGER.

H. Res. 320: Ms. WATSON.

H. Res. 378: Mr. ENGLISH Mr. HINCHEY, Mr. TERRY, and Mr. WALSH.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

[Omitted from the Record of September 30, 2003]

H.R. 3193: Mr. PORTER.

[Submitted October 1, 2003]

H.R. 1078: Mr. MILLER of Florida.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, WEDNESDAY, OCTOBER 1, 2003 No. 137

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable ROBERT F. BENNETT, a Senator from the State of Utah.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, who holds the wind in Your fist and wraps the ocean in Your cloak, we thank You for defending all who come to You for protection. We ask You to protect our military in its defense of our freedoms. Give our military people Your presence and peace. Lord, fill the God-shaped void that is in each of us that we may live abundantly. Remind us often that before honor is humility. Today, give our Senators the wisdom to meet the challenges of our time. May they not grow weary in their efforts to find common ground. Give them the strengthening joy of Your spirit, that they may have courage for hard times and determination for challenging tasks. We pray this in Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT F. BENNETT led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 1, 2003.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT F. BENNETT, a Senator from the State of Utah, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BENNETT thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, this morning the Senate will be in a period for morning business until 10:30. Under the agreement reached last night, at 10:30 the Senate will begin consideration of the supplemental appropriation for Iraq and Afghanistan security. The order provides for debate only until 12:30. We expect amendments to be offered during today's session and therefore rollcall votes will occur throughout the day.

Yesterday, after the Appropriations Committee finished its work on the legislation and reported the bill to the full Senate, the two leaders came to the floor to reach the agreement to begin consideration of the bill today. As stated last night in the colloquy, the Senate will consider amendments to the legislation this week. Following the recess, we will resume the bill with the expectation of completing all action by the end of that week.

As we begin the process, the leader is asking for the cooperation of all Members in advance and thanks everyone for their willingness to cooperate to try to push this bill through to completion the week after we return from the recess.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I simply ask that when the Chair announces morning business, the full hour be allocated to both sides evenly divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will be a period for the transaction of morning business until the hour of 10:30 with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the Senator from Texas, Mrs. HUTCHISON, or her designee.

Who yields time?

The Senator from Nevada.

FAIR LABOR STANDARDS ACT OVERTIME RULES

Mr. REID. Mr. President, this is a land of opportunity. Americans know if they are willing to work hard, they can realize their dreams. Hard work built this country and hard work is what has enabled generations of Americans to own a home, make a stronger community, and give their children a good education.

Americans have always been willing to work hard to reach their goals, and we are working longer hours today than ever before. Almost one-third of the labor force regularly works longer than a 40-hour week and 20 percent work longer than 50 hours. Fifty years

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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ago, as part of the Fair Labor Standards Act, we established the principle of overtime pay for those who work more than 40 hours a week. This recognized the value of hard work and rewarded those who worked the hardest. Families who work hard depend upon overtime pay. For the families who do earn overtime, it makes up one-fourth of their total salary.

Having said all this, I cannot understand why the President is proposing to change the rules on overtime pay. His proposal would eliminate overtime wages for 8 million workers—nurses, firefighters, police officers, flight attendants, preschool teachers, cooks, secretaries, and fast-food shift managers. This proposal would amount to a pay cut for these hard-working families. It would also mean fewer jobs because companies would simply force their employees to work longer hours without paying overtime instead of hiring new workers.

In the current economic situation, when millions of Americans are out of work, it does not make sense to do something that will stifle the creation of new jobs. Even for the workers who would still qualify for overtime, this is a bad rule. Why? Because big companies will force the overtime-exempt workers to put in longer hours and cut the hours of those who qualify for overtime.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. REID. I am happy to yield to my friend from Massachusetts.

Mr. KENNEDY. I noticed an editorial in the Washington Post yesterday which pointed out:

> Despite a veto threat from President Bush, the House should vote to block the rules. While the overtime regulations need updating, the administration proposal tilts too far in the direction of employers. It ought to be redrawn in a more balanced way. . . . The new rules would give employers far more freedom to disqualify employees.

I think that is what the Senator from Nevada is saying, as I understand it, that those rules that have been drafted by the administration are one-sided. They are going to work to the disadvantage of employees just at a time when we know American workers are working longer and harder than any other industrial nation in the world, as this chart shows, particularly with regard to women who are out there, who have joined the workforce.

This is in 1979. Middle-income mothers worked 55 percent more than they did 20 years ago, 895 hours compared to 1,388 hours. American workers are working longer hours. They are working harder. The mothers of small children are working longer and harder to make ends meet in a difficult economy. Then the administration promotes these regulations, which any fair-minded person would believe are skewed to the disadvantage and unfairness to employees—particularly to nurses, particularly to firefighters, particularly to police, who are the front-line defense in homeland security.

I am wondering how the Senator from Nevada views this proposal by the administration, in terms of fairness to workers in his own State.

Mr. REID. With the Senator from Massachusetts on the floor, I will respond this way. The Senator from Massachusetts has led the fight for decades on raising the minimum wage. I say to my friend, it seems so unusual, so absurd to me that this administration on the one hand will not let us even have a vote on raising the minimum wage, yet at the same time they are trying to cut overtime from people.

I received a call from a 58-year-old man in Las Vegas, my friend, Sunday night. He said, You know, my diabetes is getting worse. I think I am going to have to go on injections. I have been taking a pill, but I am 58 years old and it is getting worse. He said, The reason I am concerned is I have no health insurance. My wife has health insurance but I have no health insurance.

This man works 60, 70 hours a week. He has two jobs. But both jobs are such that he doesn't qualify for the fringe benefits. The fringe benefits, among other things, are health insurance. So he works two jobs, hard work, he is 58 years old, and he has no health insurance.

I say to my friend, I cannot imagine the mental gyrations this administration has to go through to, on the one hand, prevent people from getting a basic fair minimum wage and, on the other hand, wanting people to work more than 40 hours a week, reversing what has been in effect since the mid-1930s.

I repeat, on the one hand, no raising of the minimum wage, and on the other hand let's have you work longer hours.

I ask my friend from Massachusetts, Can you in any way correlate in your mind how an administration could go forward on this plan? I guess it is a plan.

Mr. KENNEDY. We have been joined by the Senator from Iowa, who has been a leader in the Senate on this issue. Let me just mention one other item in response to the question of the Senator. Not only is it the opposition of the administration to the increase of the minimum wage, which now at the end of this year will have lost all of the gains since the last increase—so the administration is against that—the administration is against the long-term unemployment compensation. These are workers who have been trying to gain work. They have been out looking for jobs. Historically, as we have reviewed this issue with the Senator from Iowa and the Senator from Nevada, when we get the unemployment compensation, we have been responsive to this, for years, in a bipartisan way—except for this administration.

So we are shortchanging the minimum wage worker. We are shortchanging the unemployed. And now the administration comes on top of that, at a time when we have a disastrous economic policy, we have lost more than 3 million jobs, and it says we are going to take it out on the overtime workers, which in this instance affects the front-line workers, the home guard, so to speak, the ones we are relying on to defend this country—the nurses, the firefighters, and the police.

What in the world is it about hard-working Americans who are working hard to provide for their families that this administration just can't stand?

I see our friend and leader here from Iowa, who has been so involved in this issue. I know he has some important observations as well.

Mr. REID. I yield the floor.

Mr. HARKIN. Will the Senator yield?

Mr. KENNEDY. I am glad to yield the floor.

Mr. HARKIN. I thank the Senator from Massachusetts and our assistant minority leader, the Senator from Nevada, Senator REID, for bringing up this issue today.

Again, more disturbing news has come out this week, I say to the Senator from Massachusetts. He has covered the increase in poverty in this country. More and more people are being left behind and unemployment continues to go up. At that very time, this administration wants to pull the rug out from underneath people who work hard, to take away their overtime protection. That is coming to a head this week, I say to the Senator from Massachusetts, because the House of Representatives, the other body, is going to be appointing conferees to go to conference with us. I understand the motion will be made to instruct the conferees to yield to the Senate position which, as you know, is to deny the administration the funds necessary to carry out these proposed changes in overtime. So I am hopeful the House will again vote right on this and make sure we keep the Senate provisions and deny the administration the ability to go ahead and just yank away the overtime protections for millions of Americans.

Again, I ask the Senator from Massachusetts why is it—I don't know if there is any real answer. Why is it this administration is so intent on keeping the minimum wage as low as it is? Why are they so intent on that? What do they gain by doing that, by denying hard-working Americans an increase in the minimum wage? What does the administration gain for themselves or for this country by taking away the overtime protections for our workers which have been there since 1938? Why would the administration be doing this if we are facing at this time higher rates of unemployment, poverty going up?

I don't know what the Senator's response to that will be, but in my view, this is so ideologically driven. This administration, I think, if it had its way, would take away all overtime protections, take away the minimum wage. They don't even believe in a minimum wage. They wouldn't even have a minimum wage. They would have our

workers compete at the lowest possible level with workers from the Third World countries. It is not enough they are shipping our manufacturing jobs out of this country, they are now shipping into this country labor standards from Third World countries.

Again, I don't know. I thank the Senator from Massachusetts for pointing this out this morning. I think we need to discuss this more.

We are going to be discussing a supplemental appropriations bill on the floor today and for the next few days of $87 billion. That is for rebuilding Iraq. Some of that is for the military, but with $21 billion we are going to build sewer and water systems, we are going to build new schools, we are going to rebuild some swampland—there is everything in there to rebuild the economy of Iraq. At the same time this administration wants to keep minimum wages low. They will not help us get the minimum wage up. And they want to take away overtime protection. What kind of fairness is there in that?

Mr. KENNEDY. The Senator has answered his own question. I think it is a pretty clear indication that the administration listens to K Street, which is another way of saying the principal powerful special interests, rather than Main Street, Main Street, where it is happening—whether it is in the rural or urban areas of Iowa, or my own State of Massachusetts.

These are hard-working people at the minimum wage. This issue, the minimum wage, is a women's issue because the majority of people who receive the minimum wage are women. It is a children's issue because more than one-third of the women who receive the minimum wage have children, so it is a family issue. It is a civil rights issue because so many of these men and women are men and women of color. And it is a fairness issue. America and Americans understand fairness. If you work 40 hours a week you should not have to live in poverty. Yet this administration is strongly opposed to this and is using every different parliamentary trick to deny us a vote.

The majority Members of this body favor an increase in the minimum wage, but the administration is strongly against it and we are basically unable to get it. I think the majority favors also extending a hand to those millions of Americans who are unemployed, who have worked hard all their lives and, because of the economic policies, have been put into the lists of the unemployed. They have been out there looking. Increasing numbers of those have been leaving the job market.

We have historically recognized that we would offer a helping hand to those who want to work, who can work and who will work to provide for their families during the slump in the economy, and the administration says no. Beyond all of that, it says we are going to exclude 8 million hard working Americans from possible coverage for overtime.

I speak for all of our people in Massachusettes when I thank the Senator from Iowa for his leadership in the Senate and for the strong vote we got in the Senate. We had a bipartisan vote on that. It is enormously instructive and important for the administration to hear.

I certainly know the administration is working very hard against the position of the Senator from Iowa and in the House of Representatives. But I hope the kind of expression we saw here in the Senate will be followed by the House.

I thank the Senator for all of his good work.

Mr. HARKIN. Mr. President, I thank the Senator from Massachusetts for his kind remarks, but he has been the leader in terms of workers' rights for all of his time in the Senate. I am honored to be able to work with him to make sure we continue to support our working families.

I say to my friend from Massachusetts that the Secretary of Labor just wrote a recent editorial which ran in the Omaha World Herald, which is across the river from Iowa. It is interesting that she wrote my amendment ''if enacted, would be a huge setback for U.S. workers from getting overtime pay for the first time.''

What she is talking about there is part of this proposal would increase the threshold for guaranteed overtime pay from $8,060 a year to $22,100 a year. My amendment does not affect that. What we passed here in the Senate protecting overtime pay does not even remotely affect it. If the Secretary of Labor wants to increase the threshold from $8,060 a year to $22,100 a year, what is she waiting for? She can do that tomorrow. She could have done that this spring in the rules and regulations. It is because certain friends of this administration and industries say they wouldn't support it unless we made other changes to take away overtime protection from other workers.

It is true the proposed regulation does increase the threshold. That is fine. Our amendment doesn't touch that. With the other hand they take away overtime pay protection for over 8 million Americans. Then they say they want to simplify the rules. The proposal is far from simple. It is as complex as ever.

The Society for Human Resource Management was quoted in the Chicago Tribune:

> It looks like they're just moving from one ambiguity to the next.

These rules and regulations can be simplified and updated without taking away workers' overtime pay protection. Again, don't take my word for it. Here is what industry says from a May 2003 analysis by Hewitt Associates, a global human resources outsourcing and consulting firm, to its clients on their Web site.

They said:

> These proposed changes—

by the Secretary of Labor—

> —likely will open the door for employers to reclassify a large number of previously non-exempt employees as exempt.

Exempt from overtime pay protection.

> The resulting effect on compensation and morale could be detrimental, as employees previously accustomed to earning, in some cases, significant amounts of overtime would suddenly lose that opportunity.

That is not me saying that. That is a May 2003 analysis by Hewitt Associates, a global human resources outsourcing and consulting firm, to their clients which include more than half of the Fortune 500 companies.

There you have it. This is industry driven to take away the overtime pay protection so they can work people longer and not pay them any more.

As I pointed out on the floor previously, and as the Senator from Massachusetts did, this is antiworker and it is antifamily. Many of these people are women. They are already paying for child care. Now they are going to have to work longer and pay more for child care, and they don't get a nickel more for overtime. It is not fair. It is not right.

I hope the House of Representatives will vote strongly to instruct their conferees to adopt the Senate provision. Let us have the administration go back and let us have a fair and reasonable updating of overtime regulations.

Yesterday, on Tuesday, September 30, there was a lead editorial in the Washington Post entitled ''Fighting Over Overtime.''

It said:

> Despite a veto threat from President Bush, the House should vote to block the rules. While the overtime regulations need updating—

We all agree with that.

> —the administration proposal tilts too far in the direction of employers. It ought to be redrawn in a more balanced way.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 30, 2003]

FIGHTING OVER OVERTIME

For 65 years employees have been entitled to an hour-and-a-half's pay for every extra hour they have worked beyond the standard 40-hour work week. But those protections don't extent to certain white-collar workers—people in executive, administrative and professional positions—and figuring out which employees are covered has become a particularly byzantine area of labor law. The Bush administration has proposed a sweeping rewrite that it says will better protect the most vulnerable workers while giving employers clearer guidance. Labor groups argue that the improved coverage is so limited, and the exceptions so broadly written, that millions of workers would be deprived of eligibility for overtime. The Senate voted this month to prevent the new rules from taking effect, and while the House voted narrowly the other way, it is set for another vote this week. Despite a veto threat from President Bush, the House should vote to block the rules. While the overtime regulations need updating, the administration proposal tilts too far in the direction of employers. It ought to be redrawn in a more balanced way.

Employees who earn less than $8,060 per year are automatically entitled to overtime. The Department of Labor wants to raise that floor to $22,100. The increase would provide automatic coverage to 1.3 million workers, the administration says, while labor groups say the number is much smaller. An increase in the minimum level is overdue (it was last raised in 1975), but the amount proposed by Labor—$5,000 less than would result simply from adjusting for inflation—is too low. The proposed rules would also make it more difficult for employees who earn more than $65,000 to qualify for overtime pay.

The biggest problem with the changes would be in the middle range of workers who earn between $22,100 and $65,000. In this area, the new rules would give employers far more freedom to disqualify employees. For example, employees would be considered exempt ''executives'' if they managed a department, directed the work of two or more other employees and had their recommendations about hiring, firing or promotion ''given particular weight.'' Thus, a $23,000-a-year supermarket produce manager could be refused overtime pay. The Labor Department says the changes are merely intended to make the rules easier to apply, not to deprive anyone of overtime. Yet it's hard to see how some of its gauzy new tests are going to promote any less misunderstanding. Administrative workers, for example, are defined as those who hold ''a position of responsibility'' with the employer, something that is in turn defined as doing ''work of substantial importance'' or ''requiring a high level of skill or training.''

Labor Secretary Elaine L. Chao, dismissing the arguments of those who ''think employers are out to exploit workers,'' says that businesses are lobbying for the changes ''not because they're getting any particular benefit but because they just want clarity.'' But employers and their advisers see it differently. Hewitt Associates, a leading human resources consultant, noted that ''employees previously accustomed to earning, in some cases, significant amounts of overtime pay would suddenly lose that opportunity.'' Assessing the rules in a memo to clients, Proskauer Rose, a law firm that represents employers, noted, ''Thankfully, virtually all of these changes should ultimately be beneficial to employers.'' Workers who earn overtime derive a quarter of their income, on average, from overtime pay. They might not be quite so thankful.

Mr. HARKIN. Mr. President, I ask to be recognized on my own time.

The PRESIDING OFFICER (Mr. TALENT). Under the previous order, there are 9 minutes 40 seconds left on the Democratic side.

Mr. HARKIN. I appreciate that. I will not take that much time.

THE CIA LEAK

Mr. HARKIN. Mr. President, I also wanted to again comment on the stories appearing in the media about the leaked information regarding an undercover CIA agent. As we all know by now, a law was broken. It is a Federal crime under the Intelligence Identity Protection Act of 1982 to intentionally disclose information identifying a covert agent by anyone not authorized to receive classified information. Conviction under this crime is punishable by up to 10 years in prison and a fine of $50,000.

What do we know so far? We know a columnist, Mr. Robert Novak, received this information. He printed it in his column in the newspaper.

It is interesting that we now find there were other journalists given that information, but they did not write this. They did not print it. That raises questions in itself as to why Mr. Novak went ahead and wrote this.

We know this was put out into the public. We know—at least it has been alleged—that Mr. Novak said he got the information from a ''high administration official.'' The other journalists, I guess, who got this information said the same thing. We don't know whether it is in the White House or where it is. But there are all kinds of rumors and allegations floating around.

Now I see the Justice Department is starting to investigate. Isn't that a sweetheart deal? Attorney General John Ashcroft, appointed by this President, investigating the President. If a situation ever cried out for a special counsel, this is it.

Yet yesterday when the Senator from New York, Senator SCHUMER, wanted to just have a sense-of-the-Senate resolution that a special counsel should be appointed, the other side raised a nongermane objection to this. We will continue to bring up this sense-of-the-Senate resolution. In fact, when we have the opportunity, we will ask to have a vote on whether a special counsel ought to be appointed, someone more independent than Mr. Ashcroft.

There is a piece missing from the puzzle. We know a law was broken. We know Mr. Novak, a journalist, printed in his column that it came from somewhere in the administration. But here is the missing part of the puzzle that no one is writing about. Whoever gave that information to Mr. Novak got that information somewhere. This is classified information. The question is, Did someone in the CIA voluntarily give that information to this individual? If that is the case, we have a real problem in the CIA. If, however, someone in the administration is saying the National Security Council, which has access to this kind of classified information, then gave this information to another individual in the administration, then we have a real problem in the National Security Council of someone deliberately leaking this classified information.

It is not enough just to find out who gave the information to Mr. Novak. We have to find out how that individual got the information in the first place.

Mr. DURBIN. Will the Senator yield?

Mr. HARKIN. Let me finish this.

Did that individual have that information given by the CIA? Was it given to him by the National Security Council? How did that individual come by this classified information? That is the missing part of this puzzle.

I yield to my friend.

Mr. DURBIN. I ask the Senator from Iowa, does it not show the depths which have been reached if someone in the White House is prepared to not only discredit but to disclose the identity of an intelligence agent, perhaps compromising their professional career, maybe endangering their life, in order to settle a political debt?

I ask the Senator from Iowa, who has a memory of this—as I do, as well—this is an echo of an enemies list of Richard Nixon's era where they have decided at any cost they will go after their enemies, even in the commission of a Federal felony, to disclose the identity of Ambassador Wilson's wife.

The Senator from Iowa is correct. It is true that the lengths to which this administration is willing to go to silence its critics harken back to an era that was one of the darkest eras in Presidential politics.

Mr. HARKIN. Again, I thank the Senator from Illinois for his question.

Why was this name leaked to this columnist? It was to somehow discredit her husband. What had her husband done? He told the truth about the lack of any evidence showing Iraq had gone to Niger to obtain basically uranium or yellow cake. He had gone there to investigate, said there was nothing to it. So he told the truth. And now the administration, because a truth did not comport with their imagination about what was going on in Iraq, obviously put Mr. Wilson on their enemies list.

I say to the Senator from Illinois, this really does bring back memories of enemies lists. The administration will go to any length, to the length of breaking a law, to try to discredit anyone who tries to point out the truth about what went on in Iraq.

Mr. DURBIN. If the Senator will continue to yield, this calls for a special prosecutor. Does the Senator from Iowa recall last year when there was a suspected leak of information from the Senate Intelligence Committee, the FBI, under Attorney General Ashcroft, called on every member of the Senate Intelligence Committee to submit to a polygraph—for every Senator to submit to a polygraph? I ask the Senator from Iowa, what is the likelihood that Attorney General Ashcroft is going to ask the highest ranking officials in the White House to submit to a polygraph and then disclose to the public whether or not they have agreed to do so?

Mr. HARKIN. I say to my friend from Illinois, I am not serving on the Intelligence Committee. I had heard and been aware, and now the Senator has validated that fact, the FBI did ask members of the Senate Intelligence Committee to take polygraphs. Again, it is a fair question the Senator asks: Will the FBI ask all senior members of this administration to sit down and take a polygraph test? If they asked Senators, why would they not ask the White House? I don't know. Will they?

Mr. DURBIN. Further questioning the Senator from Iowa, I don't believe in polygraphs. I never recommend them. Most State courts do not recognize the results, I don't think they are accurate. But it was a pressure tactic by the FBI to try to get Senators on the Intelligence Committee to say publicly whether they would submit to a

polygraph. It is an indication of what they can do when they want to.

The question is, Will they do it? Would Attorney General Ashcroft's Department of Justice do that to the highest ranking officials in President Bush's White House? The answer is obvious. So I ask, does that not make the case for a special prosecutor?

Mr. HARKIN. Absolutely. The Senator from Illinois is correct. This points to the need for a special counsel, someone independent of the Justice Department. This is serious stuff.

I notice that the columnist, Mr. Novak, said, well, this woman is just an analyst for the CIA.

I don't know. I never met these people. But now I understand she was indeed an undercover agent overseas. She may be doing something at the CIA right now, but prior to that she was. Again, I have no knowledge of this. I only know what I have been reading in the papers.

It seems to me, in our war on terrorism, our best asset is not a missile; it is not a nuclear device; it is the information we get. And if there is a chilling effect out there—that is what this is, a chilling effect—on getting information, it is a serious blow to our fight against terrorism.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The time on the Democrat side has expired.

The Senator from Minnesota.

R&R TROOP RELIEF

Mr. COLEMAN. Mr. President, I rise to talk about the men and women on the front line in Iraq defending America in the fight against terrorism. We cannot forget them. There are a lot of other things going on in Washington—including, by the way, the discussion of who said what to whom.

I digress for a moment to comment on calls for a special prosecutor. I am a slight student of history. In 1999 there was an effort in this body, led by Senator COLLINS from Maine, a bipartisan effort, to put in place a provision to allow for a special prosecutor. It was blocked, it was stopped, by the very same folks today talking about the need for a special prosecutor. I will be very blunt: We are hearing rank political hypocrisy when it comes to claims about a special prosecutor.

I also note the calls that: The administration did this, the administration did that. The President of the United States has been very clear. If someone in his administration leaked information or did something that is illegal, they will be held accountable. That is what the administration has said.

We have to get away from the politics and simply do the right thing. The American public get it. They see through it. Unfortunately, it casts a negative light on everyone when every battle is a political battle other than simply doing the right thing.

One of the right things, by the way, being done is, today the Pentagon has rolled out a program to bring troops home who have served in Iraq for over a year. These service men and women are going to get a well-deserved rest. Unfortunately, the program only provides for transportation to places such as Baltimore, Atlanta, Dallas, and Los Angeles. For folks who come from Minnesota, my State, that creates a burden and a hardship. Flights are very expensive if you have not planned 2 weeks in advance, costing literally thousands of dollars.

This is a good start. It does not go far enough. Because I want to make sure that the service men and women who had to pay—some, again, $1,000 or more for same-day tickets to see their loved ones—I have submitted, along with Senator STEVENS, Senator DAYTON, and Senator DORGAN, an amendment to fix this unintended consequence of the R&R program.

If we acknowledge that our troops who have been in Iraq deserve a rest, we ought to make sure they get their way home. I thank the chairman of the Appropriations Committee, Senator STEVENS, who has said they will take care of this. My heartfelt thanks to the distinguished chairman of the Appropriations Committee.

IRAQ

Mr. COLEMAN. Mr. President, I speak today as a former mayor. I have been listening to the debate about the President's request for $87 billion supplemental appropriations to support what our troops need in Iraq. Yet there are some, who want to divide that, who say: Yes, we will provide somehow $67 billion; that is what the troops need on the military side, and to do that gives them moral clarity, while supporting an additional $20 billion for infrastructure and other essential services is labeled as squandering American resources that could be better used at home.

Let me offer some insight on what it takes to build a city, what it requires to assure that those who live in a city feel ownership in their future, feel confident in their role in that city, and have the necessary confidence to move that city forward.

First, to rebuild a city requires patience. A broken and decayed city did not happen over night, and it will not be fixed overnight. What happened in Iraq did not happen overnight. From 1970 onward, Saddam Hussein never had a budget; he did not invest in infrastructure. In fact, he pillaged and raped that infrastructure for his own needs, for his palaces, and to cover his friends.

So what you have are patterns of neglect that have set in and cities have become stale and moribund. Their infrastructure starts to collapse. That is what we have seen in Iraq. The water systems fail, the sewer systems fail, and the power grids blow out after years of no maintenance. The roads and sidewalks crack and shift and become dangerous to use. So you have the state of decay.

Second, to restore confidence and hope in a city requires commitment and investment. Safe streets do not just happen overnight. You have to train a police force. You have to recognize that the best partners in fighting crime are not the guns in their holsters but the people who live in the neighborhoods who will support the law enforcement efforts.

Moms and dads living in a city need to have confidence in knowing the police are there to protect and serve them, not to conduct covert activities on behalf of the Government to deprive them of their freedom, their liberty, and their lives. That has been the pattern in Iraq for many years.

Third, to assure growth in a city, there must be a sense that there is a future in the city. This requires business believing there is room to grow. You have to grow jobs. You have to get paychecks to people who then invest in homes and libraries and streets and sidewalks.

Rebuilding a city is a tough job. Now, increase that on a grand scale of rebuilding a nation, and I hope my point is becoming more evident.

The fact is, rebuilding Iraq—all of Iraq—is as important to the protection of our soldiers as the equipment we give them to protect and defend themselves. We have to win the peace. We have to win the peace and not just the war.

Rebuild a neighborhood and you keep parents from becoming bitter that they do not have clean water or a functioning sewer. Make the investment in a library and you give the children a tool out of their despair and bring the light of learning and opportunity into their lives.

If you remove people's hopes, you remove their incentive to be participants in the community. And if you choose not to invest in their lives, their homes, their communities, and their businesses, they will turn away from the light and seek the darkness.

The threat our troops face in the months ahead in Iraq is not just from the Baath loyalists or foreign terrorists who are simply trying to live another day so they can kill another American soldier. The threat our troops face is that moms and dads in Iraq will lose confidence in the promise America made to them not only to liberate them from the brutality of Saddam Hussein but from the chains of despair.

We have seen it in our own cities. When we take away hope and confidence in people, they strike out. Ask any cop in any American city what he fears most: a gang member packing a Glock or a neighborhood where people don't care what goes on outside their locked doors and windows. You can always find a way to arrest the gangster, but it is nearly impossible to get people who have lost hope to open the doors to their lives once they have

been closed. And once hope is lost, the land becomes a swamp of discontent, a breeding ground for terrorists, unchecked by the populace.

That is what we cannot allow to happen in Iraq. If we try to parse the investment we make in Iraq, we parse the commitment to American troops. This is not rhetoric. This is not drama. This is reality.

We need to invest in training Iraqis to become policemen now and ensure that more American troops can come home sooner.

We need to invest in Iraqi infrastructure now and ensure that its economy begins to recover. And more Iraqis will go back to work. And the greater the hope grows, less anger will be directed toward American troops.

We need to invest in Iraqi schools and libraries and hospitals, and conditions that lead to despair and striking out against American soldiers diminish, and the breeding ground that terrorists prey on becomes smaller and smaller, until they disappear completely.

The best way to take the gun or bomb out of the hand of a potential terrorist is to make sure they have food to eat, schools to attend, libraries with books, hospitals with medicine, and communities that are safe.

The best way to make a difference between an Iraqi citizen who works with American soldiers instead of trying to kill them is to make sure they have access to city services and the very real opportunity for a job.

There is this idea, I am afraid, that the rebuilding of Iraq is taking too long and costing too much. There is a sense of panic that has seemed to set in. There are those who roam the halls of Washington saying: I told you so.

Throughout the political rhetoric that takes hold on both sides of the aisle is a sort of posturing and positioning for who is more supportive of American troops than the other. All the while, young men and women are laying down their lives to deliver on the commitment that their leaders of this country made to the people of Iraq.

It is time it ends. I am not the most senior guy here, nor am I the smartest. I am not the most articulate, nor am I the most decorated. I did not come to the Senate to prove on any given day or issue I am right. I came to the Senate on any given day or issue to simply do right. Today, I urge my colleagues again to turn this issue into something that does more to give honor to our democratic traditions, and to our American soldiers, than partisan speeches about who is to blame for this and who is to blame for that.

Everyone knows the pricetag is large. Everyone knows there are programs in the United States that need support, too. I understand that as a former urban mayor. Let us not lose our sense of perspective. The task before us in Iraq may be gargantuan in its cost, but the cost of failure is unacceptably high.

Mr. President, I see my colleague from Texas is motioning for the floor. I yield for her.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, what is the time?

The PRESIDING OFFICER. Twenty minutes.

Mrs. HUTCHISON. Has the Senator from Minnesota finished? Because I need to allocate 10 minutes.

Mr. COLEMAN. I will finish in 90 seconds.

Mrs. HUTCHISON. Thank you, Mr. President. Let me ask for 1 additional minute for the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Thank you.

Mr. President, I do not need to remind my colleagues how much money disappeared from the American and world economy on September 11. Success will build world confidence and investment far beyond this investment in Iraq. Failure would cost us far more.

We can, and will, argue over the nature of this commitment. Should it be a grant or loan? We know we cannot let a single American dollar go to paying off the debt Iraqis owe to the French or Germans who propped up Saddam Hussein. We know we cannot load Iraq with debt it cannot repay while urging other nations to forgo their debt.

This body will vigorously debate this issue, as it should, but let us not pit the needs of home against the safety of our troops in Iraq. I say this without hesitation: We put our troops in Iraq at grave risk if we do not win the peace. I urge my colleagues not to let political showmanship put American lives at risk.

The mayor in me says it is time to get back to work in this body and support those efforts that will get Iraq and its people back to work.

Restoring hope and confidence will, in turn, create new investment that will save American lives and ensure that Iraq and its people have a brighter hope for a better tomorrow.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Minnesota for those profound remarks and appreciate his weighing in on this issue.

Mr. President, we now have 20 minutes left; is that correct?

The PRESIDING OFFICER. Eighteen minutes 15 seconds.

Mrs. HUTCHISON. Mr. President, I yield up to 9 minutes to the Senator from North Carolina; following that, up to 9 minutes to the Senator from Tennessee; and then I ask unanimous consent to use 3 minutes of leader time, which has been cleared by Senator FRIST.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina.

Mrs. DOLE. Mr. President, thousands of young men and women from bases in my home State of North Carolina are currently fighting the war on terror in Iraq. We are forging a process of peace; and in doing so, we are moving toward turning control of the government and society back to the Iraqi people.

With the major battles over in Iraq, our Nation is helping to rebuild schools and hospitals, water supply systems and roadways. Part of the President's supplemental request is being designated for the continuation of these efforts. The stabilization of Iraq depends on providing the Iraqi people basic services as well as humanitarian relief. And the safety of our men and women in uniform depends on the stabilization of Iraq.

Our forces are on the offensive, and continue to capture key figures in Saddam Hussein's evil regime, so that they may be brought to justice. The vast majority of the President's request will go directly to American troops, giving them the pay, the equipment, and other resources necessary to fight the war on terror. We must ensure that these funds are available to allow them to complete their mission and return home safely.

Recently a proud grandmother met with my 102-year-old mother in Salisbury, North Carolina. This grandmother forwarded me a letter from her grandson, Christopher Shawn Jensen, who is currently stationed in Baghdad. I would like to read to you what a soldier on the front lines has to say. I will read just a portion:

> I was invited to meet with a local Iraqi who works the engineering for our building's electricity . . . He graduated from the Baghdad University in engineering and showed me his class picture (from 1979). We talked about what it was like then, and the difference now. You could see the suffering in his eyes as he talked about the years of terror, the people lived with while Saddam was in power. I felt the same emotions of sadness for these people when I first rolled up here from Kuwait, to see their cheering faces of relief . . . many a soldier's eyes were filled with tears that day . . . I pray that we finish the job we started.

At the end of the letter to his grandmother, Shawn made a request to his friends and family. ''I have started the ball rolling for several ideas, he writes, to help in the effort to free Iraqis and also to help to make this a safer place for liberty and freedom. I know many of you have big hearts and want to help, you just don't know how. Here are some things you can help with. I have written to the Editor of the Wilmington Star newspaper. The children in Iraq learn on the dirty floors in their schools. They need approximately 200,000 desks for their schools. I am trying to build support for a program where the American citizen can buy support for the Iraqi children.'' And let me add, my husband, Bob Dole, has already committed to Shawn's effort.

Shawn's letter continues, ''We are also collecting money from the soldiers here and we are going to buy back

weapons from the populous of Iraq. We are using the little money we earn in a combat zone to start this program. The regular citizens have all kinds of weapons like grenades, bombs, and rockets . . . things regular citizens don't need. We are asking American citizens to match funds that we are collecting for this cause. My father can be contacted for this via phone or a web-site that has been started.''

Shawn Jensen understands what freedom means to the people of Iraq—indeed he is seeing it first hand. He is so committed to making Iraq a safe place for his fellow soldiers to complete their mission, and for the Iraqi people to live in a free and orderly society, that he and his fellow soldiers are making these tremendous sacrifices.

My friend, Secretary of State Colin Powell, described last week his visit to Iraq in the most poignant terms, He said, ''anyone who doubts the wisdom of President Bush's course in Iraq should stand, as I did, by the side of the mass grave in Iraq's north. That terrible site holds the remains of 5,000 innocent men, women and children who were gassed to death by Saddam Hussein's criminal regime.''

Recently, in testimony before the Armed Services Committee, on which I serve, Ambassador Paul Bremer outlined a clear and well-defined course of action in Iraq. As he noted, there will be bumps along the way, but it is critical for us to stay the course. As he has said so poignantly, ''Gone are Saddam Hussein's torture chambers,'' he wrote. ''Gone are his mass killings and rape rooms. And gone is his threat to America and the international community.'' As we go forward, it is this that we should keep in mind.

Today in Iraq, streets are lined with shops selling newspaper and books representing varied opinions. Already, 160 newspapers have sprung up in Iraq. Schools and universities are open; parents are forming PTA's; 95 percent of health clinics are open, and Iraq is on the way to a democratic government. Eighty-five percent of towns now have city councils. And a Constitution will soon be written, followed next year by elections which will provide legitimacy and credibility to the government. And millions of dollars of humanitarian aid are going to the Iraqi people to make sure they have food, water and shelter.

Iraqis are also being trained to maintain peace and order in their own country. Thousands of members of the Iraqi police force will be trained over the next several months in Eastern Europe. And the area around Saddam's hometown of Tikrit, one of the most dangerous sections in Iraq, is currently being patrolled by the Iraqi army. These measures are part of the larger goal of turning over the security of Iraq to the Iraqis.

Certainly, the operation there is proving to be a dangerous and more grinding conflict than some expected. The President addressed this fact candidly and resolutely in his recent address to the Nation. While Saddam Hussein was building palaces, the infrastructure was deteriorating terribly, more than we realized. Adequate resources for the proper reconstruction are essential to providing security and allowing our troops to leave as soon as possible.

Eliminating terror is more than removing the leaders of an evil regime from power. Terrorism must be torn out by its roots, ensuring that there is no toehold for its sponsors to reestablish their violent ways. The bottom line; we can fight them there, or we can fight them here.

The President's call for a supplemental spending bill for operations in Iraq has spawned the most recent round of debate over the war on terror. For those who have criticized the cost of the war, understand that inaction would be much more devastating. Just look at the September 11 attacks. One study has pegged the cost to the economy at well over $2 trillion. And a Brookings Institution study estimates that a biological terrorist attack against a major U.S. city would cost our economy $750 billion.

There are other critics who have accused the military of being slow in their progress. But consider these numbers I heard recently from Defense Secretary Donald Rumsfeld. It took 3 years after World War II to establish an independent central bank in Germany; it was established in Iraq in 2 months. Police in Germany were establish after 14 months; in Iraq, 2 months. A new currency in Germany took 3 years; it took 2½ months in Iraq. The cabinet in Germany was created after 14 months. Iraq has a cabinet today—after just 4 months!

We cannot afford not to do what is necessary to win the war against terror and secure our homeland. The funding for the war is necessary and significant, but it is temporary. The cost of fighting this war is well below the cost of previous conflicts.

And more than words . . . more than negotiations . . . the President's significant spending request sends an unmistakable signal to the sponsors of terror, to the liberated Iraqi citizens, and to the world—that the United States of America is staying the course. Attacks on U.S. troops and other targets in Iraq are aimed at undermining freedom and democracy—but these attacks will not cause us to shy away from our commitment. Failure to follow through in our mission would leave a lethal void—a void that would rapidly be filled by terror and its supporters. President Bush has said, ''Liberty is not America's gift to the world, it is God's gift to Mankind.''

I believe that God's gift to all of his children is liberty—and also justice and equality, tolerance and opportunity. These belong to all people—no matter where they live. Let us remember the steadfast resolve of Shawn Jensen in that letter to his grandmother. He is a witness to a country being transformed from a reign of terror to a beacon of hope. Let us, like him, commit to the stabilization of Iraq diminishing the threat to our troops and ensuring greater stability and peace in the Middle East.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, the challenge described by the Senator from North Carolina is immense: Restructuring the economy and government of a country that has borne decades of neglect by a tyrannical regime. If we fail, the consequences could be a disaster. A fractured, failed Iraq could become a safe haven for terrorists, a caldron for fomenting extremism, and a destabilizing force to its neighbors, throwing the entire Middle East into chaos. If we succeed, the results could be extraordinary. A democratic and economically vibrant Iraq would be a shining example to her neighbors that Islam and democracy can coexist. More important, such an Iraq would be a friend to the United States.

I have often come to this floor to talk about the importance of teaching our children American history and civics so they grow up learning what it means to be an American.

Former President Harry Truman put it this way. He said:

> The only thing new is the history you've forgotten.

Let me look at history. I am reminded most about the choices we made when dealing with postwar Germany, after World War I and World War II. At the end of World War I, we made a grave mistake. We punished Germany for its actions. The Treaty of Versailles, which formally declared the end of the war, ordered Germany to repay its debt to other European countries and denied any aid for reconstructing war-torn Germany. Even though a new democratic government sprang up in Germany at that time, the Weimar Republic, we chose not to provide help but to tell the Germans to ''pay up.'' In other words, we defeated them, left them in ruins, sent them a bill, and went home.

Sometimes we forget that Adolf Hitler was elected in a democratic Germany. What was the result? As early as 1922, a young Hitler was already railing against the Treaty of Versailles and the payments Germany was forced to make. Eleven years later, in 1933, Hitler became the Chancellor of Germany—elected. Again, he blamed the Treaty of Versailles for Germany's woes. He said:

> We want to liberate Germany from the fetters of an impossible parliamentary democracy.

Under such a heavy burden of debt, with a failed reconstruction policy, Hitler convinced the German people that democracy was too much of a burden. We all know what happened next—another world war that was more devastating than the first.

Our post-World War I policy with Germany was a complete failure.

One can imagine a similar scenario playing out in Iraq today if we make the wrong choice. Let's say the United States, after getting a new Iraqi government in place, decides to go home and orders Iraq to pay its bills, as some on the other side of the aisle would have us do. It is not hard to imagine a new Iraqi leader emerging who blames Iraq's economic woes on the United States, who decries the debt we are making Iraq repay, who says we only waged the war in order to encumber its oil; a new leader coming to power on the wave of anti-American sentiment who proceeds to destroy the fledgling democratic system the United States helped to establish in Iraq; and suddenly, a few years down the road, we have a new evil tyrant running Iraq, who is a clear enemy of the United States and could start pursuing policies similar to those of Saddam Hussein, or even worse.

Fortunately, there is another choice. After World War II, we took a very different approach to postwar Germany. In 1948, after a failed policy of loaning money to war-torn countries in Europe, the United States adopted the Marshall plan, named for Secretary of State George C. Marshall. The Marshall plan was a 4-year initiative to rebuild the economies of 16 countries in Europe, including Germany. The Marshall plan cost $13.3 billion and a lot of effort. Ninety percent of the money spent on the Marshall plan—nearly $12 billion—was grant money, not loan money.

What was the result? At first, the results were uncertain. Germany's economy looked shaky. But over time, our continued investment paid dividends. A continent that had been fighting for a thousand years became a democracy and became our ally.

In Japan—in another part of the world—our help took a country that had invaded us and made it an ally. The results could not have been better after World War II. Our policy was a complete success.

That is why I believe we need a Marshall plan for Iraq. We need a 4- or 5-year plan for reconstructing Iraq, and we need to face up to the cost of the plan. We need to understand it is more for us, the United States, than it is for them. President Bush has laid out the first stages of such a plan.

The Marshall plan was used for a variety of purposes to reconstruct war-torn Europe, including Germany. It paid for the building of railroads and water systems, for needed medicines, modernizing factories, for restoring ports to allow foreign trade, and much more. President Bush's request for funding will pay for many of the same things: restoring Iraq's ports on the Persian Gulf, building roads, restoring power and water systems, needed medicines, reopening schools, and much more.

Some say funding Iraq's reconstruction would be too costly. But the cost of the President's request for rebuilding Iraq—$20.3 billion—is actually far less than what we spent on the Marshall plan. That was $13 billion then, between 1948 and 1952, and that would be at least $102 billion in today's dollars.

Another way to compare the cost is percentage of gross domestic product. The Marshall plan cost 1.1 percent of our GDP during the 4 years it was in place. President Bush's proposal would be only one-fifth of 1 percent. Again, the Marshall plan was five times the cost of President Bush's Iraq plan.

Or we can compare the cost as a percentage of the Federal budget. The Marshall plan cost 7 percent of the Federal budget during the years it was enacted. The President's requested funds, when added to those already spent on reconstruction, were only 1 percent of the Federal budget.

So this idea that we are spending more on Iraq than we did after World War II is totally false.

We can learn a valuable lesson from history. After World War I, we made Germany pay its debts. We left them in ruin. We went home. As a result, we got Adolf Hitler. After World War II, we pursued the Marshall plan, and it did cost some money. But as a result, we won democratic allies in more parts of the world.

President Kennedy said it best in his 1961 inaugural address. This is what he said:

> We will pay any price, bear any burden . . . to assure the survival and success of liberty.

The people of Iraq, like the people of Germany 60 years ago, lived under an evil tyrant who wreaked havoc on his neighbors and his own people. In both cases, the evil tyrant was overthrown by the United States and its allies. America and its allies temporarily took over the administration of Germany and Iraq. We paid for the German reconstruction under the Marshall plan. We should do the same in Iraq and support the President's request. We cannot afford, in our own interests, to do anything less.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, is there any time left on our side in morning business?

The PRESIDING OFFICER. There are 3 and a half minutes, including the leader time.

THE CIA LEAK

Mrs. HUTCHISON. Mr. President, I asked for the leader time because I wish to respond to some of the remarks I heard on the floor earlier regarding the CIA leaks.

Mr. President, every one of us in this country would be very concerned about a leak regarding someone who was undercover and operating for the CIA, and we would want to get to the bottom of the issue if there were a leak. In fact, that is exactly what is happening. But I think it has been distorted and I think it has been blown way out of proportion before we really know the facts. So I want to set the record straight on a few issues.

First of all, many people on the other side are asking for a special counsel. Right now, the FBI is investigating this as a routine leak. The CIA Director, George Tenet, according to Bob Novak, did not request the investigation separately in some major way. The CIA Director was not involved because this is in fact routine.

According to Bob Novak, any leak of classified information is routinely passed by the CIA to the Justice Department, averaging one a week. This investigative request was made in July, shortly after the original column was published. This was a routine investigation of something that appeared to be a leak and which may be a leak. The investigation has been ongoing since July. I think it is certainly premature to start making this a political issue, talking about a special counsel, when we don't even know the facts yet.

Bob Novak wrote a subsequent column that appeared today in the Washington Post. I think it is very important because it was his original column that outed the woman who was a CIA employee. He says very clearly, first: I did not receive a planned leak. Now, it has been accused on television shows across America that the White House somehow leaked information about a CIA operative to the press.

The man who wrote the story said:

> I did not receive a planned leak. Secondly, the CIA never warned me that the disclosure of Wilson's wife working at the agency would endanger her or anybody else and, third, it was not much of a secret.

According to him, this has been well known around Washington and, in fact, was even reported in the National Review Online from a nongovernmental source before Mr. Novak's column appeared.

Mr. Novak said an administration official told him this information but not the White House. He says this did not come from the White House.

I think it is very important that we tone down the rhetoric on this issue. It is an issue that should be investigated. It is being investigated. The President has said he wants it to be investigated. He has said it is important to him that it be investigated. He wants everyone in the White House to be fully cooperative, and the author of the story says no one in the White House was involved. So I think we need to tone it down.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR IRAQ AND AFGHANISTAN SECURITY AND RECONSTRUCTION ACT, 2004

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 a.m. having arrived, the Senate will proceed to the consideration of S. 1689, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1689) making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until 12:30 p.m. shall be equally divided for debate only.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, in behalf of the Committee on Appropriations, I present to the Senate a bill making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004.

The bill was reported favorably by the committee by a vote of 29 to 0. During 6 hours of deliberation, the committee considered many amendments and rejected most of them, but I am sure we will have the opportunity to reconsider some of these suggested changes on the floor of the Senate.

This bill is requested by the President and is a matter of some urgency. It is an emergency supplemental appropriations bill which should be acted upon without delay, but, of course, with the thoughtful and careful consideration which the subject matter clearly requires.

The President's request has been considered in hearings held by the Appropriations Committee, the Armed Services Committee, the Foreign Relations Committee, and the Banking Committee. During these hearings and through 16 witnesses, the case has been well made that these emergency funds are needed and should be approved.

The funds appropriated by this bill will provide the equipment, fuel, ammunition, and subsistence our troops need as they complete their missions in Iraq and Afghanistan. The bill includes military pay, including imminent danger pay and family separation allowance, at the levels authorized in the fiscal year 2003 emergency supplemental for the duration of fiscal year 2004.

We have also provided funding for equipment needed by our troops. Some of the items for which emergency funds are provided are fuel for military vehicles and aircraft, improved humvees, and body armor to better protect our troops.

We have increased the level of funding requested by the President for operation and maintenance funding for the Army and for replenishment of prepositioned war stocks.

This bill includes appropriations to purchase more electrical generators, moneys for mail service, and improvements in troop housing and facilities.

The bill includes $412 million in military construction funding that will provide support facilities for our soldiers in base camps throughout Iraq, as well as urgently needed runways and taxiways to support Air Force operations in Iraq and Afghanistan.

The Armed Forces and the coalition of nations that are involved are making remarkable progress in Iraq. It has been less than 1 year since we gave the President the authority to use force against the Saddam Hussein regime.

During our hearings on this bill, Ambassador Bremer pointed out that the coalition has already opened all of Iraq's 240 hospitals and nearly every health clinic. Almost every university and secondary school in that nation has been reopened, and the Iraqi people have begun to share in providing the security for their own country. Tens of thousands have been trained as police officers or members of the new Iraqi Army.

We are also providing funding to help rebuild Iraq's infrastructure. This funding will improve electrical, transportation and telecommunications systems, as well as the infrastructure that will enable Iraq to sustain itself without our assistance in the years ahead. But it is essential that we act now to approve these funds. We should act expeditiously on this bill. Our military needs the funding to carry out their missions. The coalition provisional authority needs the support provided by this bill now.

I invite the attention of the Senate to the provisions of the bill. Mr. President, I ask unanimous consent to have printed in the RECORD the following statement in explanation of the recommendations of the Committee on Appropriations on the bill, S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and recovery for the fiscal year ending September 30, 2004, and for other purposes.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATORY STATEMENT OF THE RECOMMENDATIONS OF THE SENATE COMMITTEE ON APPROPRIATIONS ON EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR IRAQ AND AFGHANISTAN SECURITY AND RECONSTRUCTION, 2004

The Committee on Appropriations reports the bill (S. 1689) making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes, reports favorably thereon and recommends that the bill do pass.

BACKGROUND

This bill makes appropriations for the military functions of the Department of Defense as it prosecutes the war in Iraq and Afghanistan, as well as for relief and reconstruction efforts in Iraq and Afghanistan, and to continue anti-terrorism efforts around the world.

HEARINGS

The Committee held hearings on September 22, 24, and 25, 2003 and heard testimony from Ambassador Paul Bremer; Hon. Donald Rumsfeld, Secretary of Defense; General Richard Meyers, Chairman, Joint Chiefs of Staff; General John Abizaid, Commanding General United States Central Command; Dr. Dov Zakheim, Under Secrteary of Defense (Comptroller); Peter Rodman, Assistant Secretary of Defense Secretary for International Security Affairs; and General Peter Pace, Vice Chairman, Joint Chief of Staff from the Department of Defense.

SUMMARY OF THE BILL

On September 17, 2003, the President submitted requests for $87,039,804,000 in new budget authority for programs under the Department of Defense, Department of State, United States Agency for International Development, and the Iraq Relief and Reconstruction Fund. The Committee recommends $87,004,004,000 in new budget authority.

The President's supplemental requests are contained in budget estimate No. 17, transmitted on September 17, 2003 (H. Doc. 108–126).

COMMITTEE PRIORITIES

The primary goals of this bill are to fund the ongoing military operations in Iraq and Afghanistan as well as relief and reconstruction activities in those countries. To accomplish the first goal, the Committee is providing $66,560,004,000 to prosecute the war in Iraq and Afghanistan. These funds are for increased operational tempo, military personnel costs, military construction, procurement of equipment, increased maintenance and military health care support. To achieve the second goal, the Committee is providing $21,444,000,000 to help secure the transition to democracy in both Iraq and Afghanistan. These funds are for enhanced security and reconstruction activities including border enforcement, building a national police service in Iraq, standing up a new Iraqi army and continued building of the Afghan National Army, reconstituted judicial systems, rehabilitation of Iraq's oil infrastructure, and provision of basic electricity, water and sewer services and other critical reconstruction needs in Iraq and Afghanistan.

TITLE I—NATIONAL SECURITY

CHAPTER 1

SUBCOMMITTEE ON DEFENSE

DEPARTMENT OF DEFENSE

2004 supplemental estimate	$65,147,554,000
Committee recommendation	65,147,554,000

MILITARY PERSONNEL

SPECIAL PAYS AND ALLOWANCES

The Supplemental request includes $1,248,200,000 for enhanced Special Pays included Family Separation Allowance [FSA], Imminent Danger Pay [IDP], and Hostile Duty Pay [HDP]. The Department's request would fund FSA and IDP at the enhanced levels authorized in the fiscal year 2003 Emergency Wartime Supplemental Appropriation Act (Public Law 108–11) for the first 3 months of the fiscal year. Beginning January 1, 2004, the Department requests that FSA and IDP return to the levels authorized prior to enactment of Public Law 108–11, and that the Committee authorize an increase in Hardship Duty Pay to offset the reductions to FSA and IDP. However, the requested increase in HDP would only cover those individuals serving in the combat zone in support of Operation Iraqi Freedom and Operation Enduring Freedom. The Department's proposal would not provide a benefit to those servicemembers who have been mobilized and deployed throughout the United States in support of Operation Noble Eagle, nor would it provide a benefit to those servicemembers deployed overseas in support of other contingency operations such as Bosnia and Kosovo. The Committee does not approve the Department's request, and instead supports the continuation of FSA and IDP at the levels authorized in Public Law 108–11 for all of fiscal year 2004. The Committee directs the Department to use the funds requested for increased Hardship Duty Pay to fund the full year increase to FSA and IDP for all eligible recipients.

MILITARY PERSONNEL, ARMY

2004 supplemental estimate	$12,858,870,000
Committee recommendation	12,858,870,000

The Committee recommends $12,858,870,000 for Military Personnel, Army. The recommendation is equal to the estimate.

MILITARY PERSONNEL, NAVY

2004 supplemental estimate	$816,100,000
Committee recommendation	816,100,000

The Committee recommends $816,100,000 for Military Personnel, Navy. The recommendation is equal to the estimate.

MILITARY PERSONNEL, MARINE CORPS

2004 supplemental estimate	$753,190,000
Committee recommendation	753,190,000

The Committee recommends $753,190,000 for Military Personnel, Marine Corps. The recommendation is equal to the estimate.

MILITARY PERSONNEL, AIR FORCE

2004 supplemental estimate	$3,384,700,000
Committee recommendation	3,384,700,000

The Committee recommends $3,384,700,000 for Military Personnel, Air Force. The recommendation is equal to the estimate.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

2004 supplemental estimate	$24,190,464,000
Committee recommendation	24,946,464,000

The Committee recommends $24,946,464,000 for Operation and Maintenance, Army. The recommendation is $756,000,000 above the estimate.

The Committee is concerned that the estimate does not fully reflect the Army's contingency costs to sustain ongoing operations, or the costs necessary to reset the force. This places the Army at considerable financial risk during fiscal year 2004. Accordingly, the Committee recommends an increase of $756,000,000 to the estimate as follows:

SAPI body armor/Rapid Fielding Initiative/battlefield EOD cleanup	+$300,000,000
Increased organizational level maintenance requirements	+200,000,000
Second destination transportation for depot maintenance	+174,000,000
Theater stabilization communications	+72,000,000
Army and Air Force Exchange Service support for deployed forces	+10,000,000

The Committee has included $858,200,000 for the Administrative and Operating Costs for the Coalition Provisional Authority [CPA]. The Committee directs the Department to use funds from the Iraq Freedom Fund if the requirements for CPA exceed the $858,200,000 appropriated under this heading.

OPERATION AND MAINTENANCE, NAVY

2004 supplemental estimate	$2,106,258,000
Committee recommendation	1,976,258,000

The Committee recommends $1,976,258,000 for Operation and Maintenance, Navy. The recommendation is $130,000,000 below the estimate.

The Committee recommends a reduction of $130,000,000 to the estimate as follows:

Excess increased operational tempo	−$130,000,000

OPERATION AND MAINTENANCE, MARINE CORPS

2004 supplemental estimate	$1,198,981,000
Committee recommendation	1,198,981,000

The Committee recommends $1,198,981,000 for Operation and Maintenance, Marine Corps. The recommendation is equal to the estimate.

OPERATION AND MAINTENANCE, AIR FORCE

2004 supplemental estimate	$5,948,368,000
Committee recommendation	5,516,368,000

The Committee recommends $5,516,368,000 for Operation and Maintenance, Air Force. The recommendation is $432,000,000 below the estimate.

The Committee recommends a reduction of $432,000,000 to the estimate as follows:

Unjustified "incremental contingency costs"	−$200,000,000
Excess inter/intra-theater airlift	−132,000,000
Excess DPEM	−100,000,000

OPERATION AND MAINTENANCE, DEFENSE-WIDE

2004 supplemental estimate	$4,618,452,000
Committee recommendation	4,218,452,000

The Committee recommends $4,218,452,000 for Operation and Maintenance, Defense-Wide. The recommendation is $400,000,000 below the estimate.

The Committee recommends a reduction of $400,000,000 to the estimate as follows:

Excess support to key cooperating nations	−$400,000,000

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

2004 supplemental estimate	$16,000,000
Committee recommendation	16,000,000

The Committee recommends $16,000,000 for Operation and Maintenance, Marine Corps Reserve. The recommendation is equal to the estimate.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

2004 supplemental estimate	$53,000,000
Committee recommendation	53,000,000

The Committee recommends $53,000,000 for Operation and Maintenance, Air Force Reserve. The recommendation is equal to the estimate.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

2004 supplemental estimate	$214,000,000
Committee recommendation	214,000,000

The Committee recommends $214,000,000 for Operation and Maintenance, Air National Guard. The recommendation is equal to the estimate.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

2004 supplemental estimate	$35,500,000
Committee recommendation	35,500,000

The Committee recommends $35,500,000 for Overseas Humanitarian, Disaster, and Civic Aid. The recommendation is equal to the estimate.

IRAQ FREEDOM FUND

2004 supplemental estimate	$1,988,600,000
Committee recommendation	1,988,600,000

The Committee recommends $1,988,600,000 for the Iraq Freedom Fund. The recommendation is equal to the estimate.

PROCUREMENT

MISSILE PROCUREMENT, ARMY

2004 supplemental estimate	$6,200,000
Committee recommendation	6,200,000

The Committee recommends $6,200,000 for Missile Procurement, Army. The recommendation is equal to the estimate.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

2004 supplemental estimate	$46,000,000
Committee recommendation	104,000,000

The Committee recommends $104,000,000 for Procurement of Weapons and Tracked Combat Vehicles, Army. The recommendation is $58,000,000 above the estimate.

The Committee recommends an increase of $58,000,000 to the estimate as follows:

Replenishment of Army Prepositioned Stock items destroyed during combat operations	+$58,000,000

OTHER PROCUREMENT, ARMY

2004 supplemental estimate	$930,687,000
Committee recommendation	1,078,687,000

The Committee recommends $1,078,687,000 for Other Procurement, Army. The recommendation is $148,000,000 above the estimate.

The Committee recommends an increase of $148,000,000 to the estimate as follows:

Theater stabilization communications	+$64,000,000
Replenishment of Army Prepositioned Stock items destroyed during combat operations	+84,000,000

AIRCRAFT PROCUREMENT, NAVY

2004 supplemental estimate	$128,600,000
Committee recommendation	128,600,000

The Committee recommends $128,600,000 for Aircraft Procurement, Navy. The recommendation is equal to the estimate.

OTHER PROCUREMENT, NAVY

2004 supplemental estimate	$76,357,000
Committee recommendation	76,357,000

The Committee recommends $76,357,000 for Other Procurement, Navy. The recommendation is equal to the estimate.

PROCUREMENT, MARINE CORPS

2004 supplemental estimate	$123,397,000
Committee recommendation	123,397,000

The Committee recommends $123,397,000 for Procurement, Marine Corps. The recommendation is equal to the estimate.

AIRCRAFT PROCUREMENT, AIR FORCE

2004 supplemental estimate	$40,972,000
Committee recommendation	40,972,000

The Committee recommends $40,972,000 for Aircraft Procurement, Air Force. The recommendation is equal to the estimate.

MISSILE PROCUREMENT, AIR FORCE

2004 supplemental estimate	$20,450,000
Committee recommendation	20,450,000

The Committee recommends $20,450,000 for Missile Procurement, Air Force. The recommendation is equal to the estimate.

OTHER PROCUREMENT, AIR FORCE

2004 supplemental estimate	$3,441,006,000
Committee recommendation	3,441,006,000

The Committee recommends $3,441,006,000 for Other Procurement, Air Force. The recommendation is equal to the estimate.

PROCUREMENT, DEFENSE-WIDE

2004 supplemental estimate	$435,635,000
Committee recommendation	435,635,000

The Committee recommends $435,635,000 for Procurement, Defense-Wide. The recommendation is equal to the estimate.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

2004 supplemental estimate	$34,000,000
Committee recommendation	34,000,000

The Committee recommends $34,000,000 for Research, Development, Test and Evaluation, Navy. The recommendation is equal to the estimate.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

2004 supplemental estimate	$39,070,000
Committee recommendation	39,070,000

The Committee recommends $39,070,000 for Research, Development, Test and Evaluation, Air Force. The recommendation is equal to the estimate.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

2004 supplemental estimate	$265,817,000
Committee recommendation	265,817,000

The Committee recommends $265,817,000 for Research, Development, Test and Evaluation, Defense-Wide. The recommendation is equal to the estimate.

REVOLVING AND MANAGEMENT FUNDS

WORKING CAPITAL FUNDS, DEFENSE-WIDE

2004 supplemental estimate	$600,000,000
Committee recommendation	600,000,000

The Committee recommends $600,000,000 for Defense Working Capital Funds. The recommendation is equal to the estimate.

NATIONAL DEFENSE SEALIFT FUND

2004 supplemental estimate	$24,000,000
Committee recommendation	24,000,000

The Committee recommends $24,000,000 for the National Defense Sealift Fund. The recommendation is equal to the estimate.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

2004 supplemental estimate	$658,380,000
Committee recommendation	658,380,000

The Committee recommends $658,380,000 for the Defense Health Program. The recommendation is equal to the estimate.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

2004 supplemental estimate	$73,000,000
Committee recommendation	73,000,000

The Committee recommends $73,000,000 for Drug Interdiction and Counter-Drug Activities, Defense. The recommendation is equal to the estimate.

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

2004 supplemental estimate	$21,500,000
Committee recommendation	21,500,000

The Committee recommends $21,500,000 for the Intelligence Community Management Account. The recommendation is equal to the estimate.

CHAPTER 2

SUBCOMMITTEE ON MILITARY CONSTRUCTION

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

2004 supplemental estimate	$119,900,000
Committee recommendation	119,900,000

The Committee recommends an additional $119,900,000 for Military Construction, Army, to be used as follows:

Base Camp Support Facilities, Iraq	$115,900,000
Planning and Design	4,000,000

The Committee fully supports the administration's request to provide adequate support facilities for United States soldiers serving in base camps in Iraq, but is concerned that project details and justifications contained in the administration's request for these facilities were not sufficiently defined. The Committee therefore directs that the Army brief the congressional defense committees on its final plans for these facilities before obligating any of the military construction funds appropriated in this Act.

MILITARY CONSTRUCTION, AIR FORCE

2004 supplemental estimate	$292,550,000
Committee recommendation	292,550,000

The Committee recommends an additional $292,550,000 for Military Construction, Air Force, to be used as follows:

Airfield Runway Repair, Bagram, Afghanistan	$48,000,000
Airfreight Terminal, Dover Air Force Base, Delaware	56,000,000
AEF FOL Communications Remote Switch Facility, Diego Garcia	3,450,000
Munitions Maintenance, Storage, and Wash Pad, Camp Darby, Italy	5,000,000
Ramp and Fuel Hydrant System, Al Dhafra, United Arab Emirates	47,000,000
Airlift Ramp, Balad Air Base, Iraq	18,000,000
Airlift Aprons (Confidential Location)	17,500,000
Tactical/Strategic Ramp Expansion, Al Udeid Air Base, Qatar	20,000,000
Refueler Ramp, Al Udeid Air Base, Qatar	40,000,000
Temporary Cantonment Area, Al Dhafra Air Base, United Arab Emirates	15,300,000
Planning and Design	22,300,000

The Committee supports the administration's request for additional military construction funds for Air Force facilities in Southwest Asia. However, while the Air Force has provided detail about specific projects, it has provided little information about its overall plan for facilities in the theater of operations and how projects contained in the supplemental request fit into that plan. The Committee therefore directs the Air Force to report to the congressional defense committees, in both classified and unclassified form, on its master plan for facilities in the Central Command area of responsibility, including the planned disposition of aircraft and personnel, no later than December 1, 2003.

CHAPTER 3

GENERAL PROVISIONS, THIS TITLE

SEC. 301. The Committee recommendation amends a provision proposed by the Administration which allows the Department of Defense to reimburse the Services for a drawdown authority under the Afghanistan Freedom Support Act of 2002.

SEC. 302. The Committee recommendation modifies a provision proposed by the Administration which provides the Secretary of Defense with additional transfer authority.

SEC. 303. The Committee recommendation includes a provision proposed by the Administration which provides specific authorization for the funds appropriated in this title for intelligence activities.

SEC. 304. The Committee recommendation includes a new provision regarding the alteration of command responsibility or permanent assignment of forces.

SEC. 305. The Committee recommendation includes a provision proposed by the Administration which sustains existing authority to cover travel and transportation benefits for family members of military personnel injured during Operation Iraqi Freedom, Operation Enduring Freedom, or Operation Noble Eagle.

SEC. 306. The Committee recommendation includes a provision that sustains the increase in the statutory maximum payable for Imminent Danger Pay and Family Separation Allowance.

SEC. 307. The Committee recommendation includes a provision recommended by the Administration which allows the Department to make necessary accounting adjustments to the Defense Emergency Response Fund.

SEC. 308. The Committee recommendation includes a new provision that requires the Secretary of Defense to provide a report to the Committees on Appropriations.

SEC. 309. The Committee recommendation includes a new provision that requires the Department of Defense to describe alternatives for replacing the capabilities of the KC?135 fleet of aircraft.

SEC. 310. The Committee recommendation includes a new provision which limits the use of procurement and research, development, test and evaluation funds.

SEC. 311. The Committee recommendation includes a provision proposed by the Administration which allows the Department to use funds for supplies, services, transportation, and other logistical support of troops supporting military and stability operations in Iraq.

SEC. 312. The Committee recommends a provision proposed by the Administration which allows training and equipping the Afghanistan National Army and the New Iraqi Army.

SEC. 313. The Committee recommendation includes a provision requiring a report on military readiness.

SEC. 314. The Committee recommendation includes a provision regarding the exemption of certain members of the Armed Forces from the requirement to pay subsistence charges while hospitalized.

SEC. 315. The Committee recommends a general provision which provides the Secretary of Defense with additional authority for contingency military construction expenses necessary to protect against or respond to acts of terrorism, or to support Department of Defense operations in Iraq.

TITLE II—INTERNATIONAL AFFAIRS

CHAPTER 1

SUBCOMMITTEE ON COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING RESCISSION)

2004 supplemental estimate	$76,300,000
Committee recommendation	35,800,000

The Committee recommends a rescission and re-appropriation of $35,800,000 for the costs of security and operations related to the establishment of United States diplomatic presences in Iraq and Afghanistan. The recommendation is $40,500,000 below the request. The problem of Machine Readable Visa [MRV] fee shortfalls is addressed under the Emergencies in the Diplomatic and Consular Service account. Funds previously appropriated under this heading in the Emergency Wartime Supplemental Appropriations Act of 2003 are subject to the standard reprogramming procedures set forth in section 605, Division B of Public Law 108–7.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

2004 supplemental estimate	$60,500,000
Committee recommendation	

The Committee does not recommend any funding for Embassy security, construction and maintenance. The recommendation is $60,500,000 below the supplemental budget request. The request included $60,500,000 to construct an interim United States diplomatic facility in Iraq. The Committee reminds the Department that $61,500,000 was provided for this purpose in Public Law 108–11, the Emergency Wartime Supplemental Appropriations Act of 2003. The Committee is aware of the Department's reprogramming request to utilize $43,900,000 of these funds to construct an interim facility for United States Agency for International Development and other United States Government employees engaged in reconstruction efforts in Afghanistan and $16,600,000 of these funds to cover the personnel, transportation, and equipment costs of United States Government officials tasked with advising the Afghan transitional government on reconstruction. This request is contained under the ''Capital investment fund'' of chapter 2 of this title. Also, the Committee approves the Department's reprogramming request to utilize $14,500,000 under Worldwide Security Upgrades for security requirements in Afghanistan, and directs that these funds only be used for the security of the main United States Embassy compound and security assistance to United Nations offices and personnel and non-governmental organization offices and personnel.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

2004 supplemental estimate	$50,000,000
Committee recommendation	90,500,000

The Committee recommends $90,500,000 for Emergencies in the Diplomatic and Consular Service. The recommendation is $40,500,000 above the supplemental budget request. Funds provided under this heading will ensure that rewards of up to $25,000,000 may be paid for Osama bin Laden and Saddam Hussein. The recommendation also includes language directing that $2,000,000 of previously appropriated funds be made available for a reward for the person deemed most responsible by the Special Court for Sierra Leone for the war crimes, crimes against humanity, and serious violations of international humanitarian law that took place during Sierra Leone's civil war. The recommendation also includes language directing that $8,451,000 in carryover balances be transferred to and merged with the Diplomatic and Consular Programs account for the Department's consular, or ''border security'' operations.

CHAPTER 2

SUBCOMMITTEE ON FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

2004 supplemental estimate	$40,000,000
Committee recommendation	40,000,000

The Committee provides $40,000,000 for an additional amount for Operating Expenses of the United States Agency for International Development for costs associated with reconstruction and other activities in Iraq and Afghanistan.

CAPITAL INVESTMENT FUND

2004 supplemental estimate	
Committee recommendation	$60,500,000

The Committee provides $60,500,000 for an additional amount for the Capital Investment Fund for safe and secure facilities in Afghanistan, Iraq, and elsewhere.

OTHER BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

IRAQ RELIEF AND RECONSTRUCTION FUND

(INCLUDING TRANSFERS OF FUNDS)

2004 supplemental estimate	$20,304,000,000
Committee recommendation	20,304,000,000

The Committee provides $20,304,000,000 for the Iraq Relief and Reconstruction Fund for security, rehabilitation and reconstruction in Iraq.

The Committee notes that funds appropriated under this heading are subject to the regular notification procedures of the Committees on Appropriations, except that notification shall be transmitted at least 5 days in advance of the obligation of funds. The Committee also provides that funds allocated under this heading for programs and sectors may be reallocated by the President for those programs and sectors.

The Committee strongly supports programs and activities to promote freedom, democratic institutions, and the rule of law in Iraq and provides that not less than $100,000,000 shall be made available for democracy building activities in that country in support of the development and ratification of a constitution, national elections and women's development programs. The Committee directs that not less than $5,000,000 be made available to Iraqi nongovernmental organizations in Iraq in a timely manner, in grants of up to $100,000. The Committee also expects sufficient funding to be provided to the National Endowment for Democracy, the International Republican Institute and the National Democratic Institute for political party and other democracy building activities.

The Committee recommends not less than $20,000,000 for media outreach activities in Iraq that utilizes low cost, advanced technology tools.

The Committee recommends $5,000,000 for a program, such as that administered by the International Commission on Missing Persons, to locate, recover, and identify Iraqis missing as a result of authoritarian rule or conflict.

The Committee again provides that funds shall be made available for Iraqi civilians who suffer losses as a result of military operations in Iraq. The Committee supports the provision of medical, rehabilitation, shelter, microcredit and other appropriate assistance to these individuals. The Committee expects all relevant agencies and organizations to coordinate efforts in providing this assistance.

The Committee recognizes that conflict and decades of neglect devastated Iraq's health infrastructure, resulting in a lack of medical equipment and supplies, and health professionals with expertise in pediatric medical specialties. The Committee is concerned that children with critical health problems cannot obtain life-saving treatments in Iraq. The Committee strongly supports activities that can have an immediate impact in addressing the needs of these children, such as the Emergency Health Services for the Children of Iraq program sponsored jointly by Kurdish Human Rights Watch and Vanderbilt University Children's Hospital.

The Committee notes the important contributions that nongovernmental organizations have made to relief and reconstruction efforts in Iraq, and urges that they be utilized to the maximum extent practicable. The Committee also recommends that organizations with experience in post-conflict governance matters—such as the United States Institute of Peace—be utilized in reconstruction efforts in Iraq and Afghanistan.

The Committee recommends that not less than $2,000,000 be made available to support organizations working in Iraq, Afghanistan and other complex humanitarian emergency and war settings, to apply public health strategies and epidemiology to mitigate the impact of the conflict on civilian populations. Programs supported should include those which collect, analyze, and use multi-sector data for programmatic decision-making and evaluation of assistance programs during and after conflict.

ECONOMIC SUPPORT FUND

2004 supplemental estimate	$422,000,000
Committee recommendation	422,000,000

The Committee provides $422,000,000 for an additional amount for Economic Support Fund (ESF) for accelerated assistance for Afghanistan.

The Committee also provides authority to use up to $200,000,000 in Economic Support Funds contained in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004 for debt reduction for Pakistan.

The Committee recognizes the progress of Internews in the establishment of independent news media in Afghanistan. However, absent additional long-term support opportunities for advancement may be lost. The Committee recommends that additional funds be made available for the expansion of local stations to regional stations, the establishment of national independent broadcasting, and support for daily news programs.

The Committee directs that not less than $15,000,000 be made available for media outreach activities in Afghanistan that utilizes low cost, advanced technology tools.

In addition to other purposes for which ESF assistance is used in Afghanistan, not less than $5,000,000 should be made available through appropriate humanitarian organizations for additional food, clothing, heating and cooking fuel, emergency shelter materials, and other basic necessities for displaced Afghans in Kabul.

UNITED STATES EMERGENCY FUND FOR COMPLEX FOREIGN CRISES

2004 supplemental estimate	$100,000,000
Committee recommendation	100,000,000

The Committee provides $100,000,000 for the United States Emergency Fund for Complex Foreign Crises. While the Committee understands the need for flexibility in meeting unforeseen complex foreign crises, it includes congressional notification for these funds, which may be waived if human health or welfare is at substantial risk.

Among other activities, the Committee expects these funds to support operations and programs to prevent or respond to foreign territorial disputes, armed ethnic and civil conflicts that pose threats to regional and international peace, and acts of ethnic cleansing, mass killing or genocide. In addition, the Committee supports the use of these funds for peace and humanitarian efforts, such as required in Liberia.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

2004 supplemental estimate	$120,000,000
Committee recommendation	120,000,000

The Committee provides $120,000,000 for an additional amount in International Narcotics Control and Law Enforcement assistance for Afghanistan. The Committee expects $110,000,000 to be used to train, equip, and deploy additional police in Afghanistan, and $10,000,000 to be used to support the training of prosecutors, public defenders and judges in Afghanistan and to meet infrastructure needs of the Afghan legal sector.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

2004 supplemental estimate	$35,000,000
Committee recommendation	35,000,000

The Committee provides $35,000,000 for an additional amount for Nonproliferation, Anti-Terrorism, Demining and Related Programs to support anti-terrorism training and equipment needs in Afghanistan.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

2004 supplemental estimate	$222,000,000
Committee recommendation	222,000,000

The Committee provides $222,000,000 for the Foreign Military Financing Program. The Committee strongly supports the use of these funds to accelerate assistance to build the new Afghanistan army.

PEACEKEEPING OPERATIONS

2004 supplemental estimate	$50,000,000
Committee recommendation	50,000,000

The Committee provides $50,000,000 for an additional amount for Peacekeeping Operations to support multinational peacekeeping needs in Iraq and other unanticipated peacekeeping crises.

CHAPTER 3

GENERAL PROVISIONS, THIS TITLE

SEC. 2301. The Committee includes transfer authority between accounts in chapter 2 of this title, with the total amount authorized to be transferred not to exceed $200,000,000. The Committee directs that it be consulted before this authority is exercised. The Committee includes the same notification requirement as contained in section 501 of Public Law 108–11.

SEC. 2302. The Committee includes authority permitting assistance or other financing contained in chapter 2 of this title for Iraq notwithstanding any other provision of law.

SEC. 2303. The Committee includes authority to allow appropriations provided in chapter 2 of this title to be made available without specific authorization of such appropriation.

SEC. 2304. The Committee extends section 1503 of Public Law 108–11 through September 30, 2005. The Committee notes that extending the inapplicability of section 307 of the Foreign Assistance Act of 1961 is particularly important as the United States pursues long-range efforts to assist Iraq and marshal resources from the international community.

SEC. 2305. The Committee amends the first proviso of section 1504 of Public Law 108–11 to include Iraqi military, private security force, other official security forces, police force, or forces from other countries in Iraq supporting United States efforts in Iraq. The Committee notes that other official security forces include Ministry of Interior forces, border guards, and civil defense forces. The Committee also notes that a private security force include those providing security services to contractors, nongovernmental organizations or other organizations affiliated with United States efforts in Iraq.

SEC. 2306. The Committee extends key provisions of Public Law 107–57 regarding restrictions that would otherwise limit assistance to Pakistan.

SEC. 2307. The Committee includes authority to allow the Overseas Private Investment Corporation to provide political risk insurance, direct loans, and guarantees in Iraq.

SEC. 2308. The Committee includes a notification requirement for certain accounts under chapter 2 of this title.

SEC. 2309. The Committee provides that the Secretary of State shall submit a report on a monthly basis detailing Iraq oil production and oil revenues.

SEC. 2310. The Committee directs that none of the funds in this Act may be used to pay debts incurred by the former government.

TITLE III—GENERAL PROVISION, THIS ACT

SEC. 3001. The Committee recommends that all the funds in the bill be designated by the Congress as emergency requirements pursuant to section 502 of House Concurrent Resolution 95 (108th Congress), the fiscal year 2004 concurrent resolution on the budget, as proposed by the President.

COMPLIANCE WITH PARAGRAPH 7, RULE XVI OF THE STANDING RULES OF THE SENATE

Paragraph 7 of rule XVI requires that Committee reports on general appropriations bills identify, with particularity, each Committee amendment to the House bill ''which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session.''

The accompanying bill contains the following items which lack authorization:

The Committee is filing an original bill.

COMPLIANCE WITH PARAGRAPH 7(C), RULE XXVI OF THE STANDING RULES OF THE SENATE

Pursuant to paragraph 7(c) of rule XXVI, on September 30, 2003, the Committee ordered reported S. 1689, an original bill making emergency appropriations Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, subject to amendment and subject to the budget allocation, by a recorded vote of 29–0, a quorum being present. The vote was as follows:

YEAS

Chairman Stevens	Mr. Bennett	Mr. Harkin
Mr. Cochran	Mr. Campbell	Ms. Mikulski
Mr. Specter	Mr. Craig	Mr. Reid
Mr. Domenici	Mrs. Hutchison	Mr. Kohl
Mr. Bond	Mr. DeWine	Mrs. Murray
Mr. McConnell	Mr. Brownback	Mr. Dorgan
Mr. Burns	Mr. Byrd	Mrs. Feinstein
Mr. Shelby	Mr. Inouye	Mr. Durbin
Mr. Gregg	Mr. Hollings	Mr. Johnson
	Mr. Leahy	Ms. Landrieu

COMPLIANCE WITH PARAGRAPH 12, RULE XXVI OF THE STANDING RULES OF THE SENATE

Paragraph 12 of rule XXVI requires that Committee reports on a bill or joint resolution repealing or amending any statute or part of any statute include ''(a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee.''

In compliance with this rule, the following changes in existing law proposed to be made by the bill are shown as follows: existing law to be omitted is enclosed in black brackets; new matter is printed in Italics; and existing law in which no change is proposed is shown in Roman.

With respect to this bill, it is the opinion of the Committee that it is necessary to dispense with these requirements in order to expedite the business of the Senate.

BUDGETARY IMPACT

Section 308(a)(1)(A) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344), as amended, requires that the report accompanying a bill providing new budget authority contain a statement detailing how that authority compares with the reports submitted under section 302 of the act for the most recently agreed to concurrent resolution on the budget for the fiscal year. All the funds provided in this bill are designated by Congress as emergency requirements.

FIVE-YEAR PROJECTION OF OUTLAYS

In compliance with section 308(a)(1)(C) of the Congressional Budget Act of 1974 (Public Law 93–344), as amended, the following table contains 5-year projections associated with the budget authority provided in the accompanying bill:

	Millions of dollars
Budget authority: Fiscal year 2004	87,004
Outlays:	
Fiscal year 2004	36,695
Fiscal year 2005	33,098
Fiscal year 2006	11,721
Fiscal year 2007	3,037
Fiscal year 2008 and future years	1,872

Note: The above table includes both mandatory and discretionary appropriations.

ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

In accordance with section 308(a)(1)(D) of the Congressional Budget Act of 1974 (Public Law 93–344), as amended, the financial assistance to State and local governments is as follows:

	Millions of dollars
New budget authority	.....
Fiscal year 2004 outlays	.....

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL

[In thousands of dollars]

Doc. No.		Supplemental estimate	Committee recommendation	Committee recommendation compared with supplemental estimate (+ or −)
	TITLE I			
	NATIONAL SECURITY			
	CHAPTER 1			
	DEPARTMENT OF DEFENSE			
	Military Personnel			
108–126	Military Personnel, Army (emergency)	12,858,870	12,858,870	
108–126	Military Personnel, Navy (emergency)	816,100	816,100	
108–126	Military Personnel, Marine Corps (emergency)	753,190	753,190	
108–126	Military Personnel, Air Force (emergency)	3,384,700	3,384,700	
	Total, Military Personnel	17,812,860	17,812,860	
	Operation and Maintenance			
108–126	Operation and Maintenance, Army (emergency)	24,190,464		−24,190,464
—	(Contingent emergency appropriations)		24,946,464	+24,946,464
108–126	Operation and Maintenance, Navy (emergency)	2,106,258	1,976,258	−130,000
108–126	Operation and Maintenance, Marine Corps (emergency)	1,198,981	1,198,981	
108–126	Operation and Maintenance, Air Force (emergency)	5,948,368	5,516,368	−432,000
108–126	Operation and Maintenance, Defense-Wide (emergency)	4,618,452	4,218,452	−400,000
108–126	Operation and Maintenance, Marine Corps Reserve (emergency)	16,000	16,000	
108–126	Operation and Maintenance, Air Force Reserve (emergency)	53,000	53,000	
108–126	Operation and Maintenance, Air National Guard (emergency)	214,000	214,000	
108–126	Operation and Maintenance, Overseas Humitarian, Disaster, Civic Aid (emergency)	35,500	35,500	
108–126	Operation and Maintenance, Iraq Freedom Fund (emergency)	1,988,600	1,988,600	
	Total, Operation and Maintenance	40,369,623	40,163,623	−206,000
	Procurement			
108–126	Missile Procurement, Army (emergency)	6,200	6,200	
108–126	Procurement of Weapons and Tracked Combat Vehicles, Army (emergency)	46,000		−46,000
—	(Contingent emergency appropriations)		104,000	+104,000
108–126	Other Procurement, Army (emergency)	930,687		−930,687
—	(Contingent emergency appropriations)		1,078,687	+1,078,687
108–126	Aircraft Procurement, Navy (emergency)	128,600	128,600	
108–126	Other Procurement, Navy (emergency)	76,357	76,357	
108–126	Procurement, Marine Corps (emergency)	123,397	123,397	
108–126	Aircraft Procurement, Air Force (emergency)	40,972	40,972	
108–126	Missile Procurement, Air Force (emergency)	20,450	20,450	
108–126	Other Procurement, Air Force (emergency)	3,441,006	3,441,006	
108–126	Procurement, Defense-Wide (emergency)	435,635	435,635	
	Total, Procurement	5,249,304	5,455,304	+206,000
	Research, Development, Test and Evaluation			
108–126	Research, Development, Test and Evaluation, Navy (emergency)	34,000	34,000	
108–126	Research, Development, Test and Evaluation, Air Force (emergency)	39,070	39,070	
108–126	Research, Development, Test and Evaluation, Defense-Wide (emergency)	265,817	265,817	
	Total, Research, Development, Test and Evaluation	338,887	338,887	
	Revolving and Management Funds			
108–126	Defense Working Capital fund (emergency)	600,000	600,000	
108–126	National Defense Sealift fund (emergency)	24,000	24,000	
	Total, Revolving and Management Funds	624,000	624,000	
	Other Department of Defense Programs			
108–126	Defense Health Program (emergency)	658,380	658,380	
108–126	Drug Interdiction and Counter-Drug Activities, Defense (emergency)	73,000	73,000	
	Total, Other Department of Defense Programs	731,380	731,380	
	Related Agencies			
108–126	Intelligence Community Management Account (emergency)	21,500	21,500	
	Total, Chapter 1	65,147,554	65,147,554	
	Emergency appropriations	(65,147,554)	(39,018,403)	(−26,129,151)
	Contingent emergency appropriations		(26,129,151)	(+26,129,151)
	CHAPTER 2			
	MILITARY CONSTRUCTION			
108–126	Military construction, Army (emergency)	119,900	119,900	
108–126	Military construction, Air Force (emergency)	292,550	292,550	
	Total, Chapter 2	412,450	412,450	
	Total, TITLE I	65,560,004	65,560,004	
	Emergency appropriations	(65,560,004)	(39,430,853)	(−26,129,151)
	Contingent emergency appropriations		(26,129,151)	(+26,129,151)
	TITLE II			
	INTERNATIONAL SECURITY			
	CHAPTER 1			
	DEPARTMENT OF STATE			
	Administration of Foreign Affairs			
108–126	Diplomatic and Consular programs (emergency)	40,500	35,800	−4,700
108–126	Reappropriation	35,800		−35,800
—	Rescission		−35,800	−35,800
108–126	Embassy Security, Construction and Maintenance (emergency)	60,500		−60,500
108–126	Emergencies in the diplomatic and consular service (emergency)	50,000		−50,000
—	(Contingent emergency appropriations)		90,500	+90,500
	Total, Administration of Foreign Affairs	186,800	90,500	−96,300
	Total, Chapter 1	186,800	90,500	−96,300
	Emergency appropriations	(186,800)	(35,800)	(−151,000)
	Contingent emergency appropriations		(90,500)	(+90,500)
	Rescissions		(−35,800)	(−35,800)
	CHAPTER 2			
	BILATERAL ECONOMIC ASSISTANCE			
	FUNDS APPROPRIATED TO THE PRESIDENT			
	United States Agency for International Development			
108–126	Operating expenses of the United States Agency for International Development (emergency)	40,000	40,000	
	Capital Investment Fund			
—	Capital Investment Fund (contingent emergency appropriations)		60,500	+60,500
	OTHER BILATERAL ECONOMIC ASSISTANCE			
	FUNDS APPROPRIATED TO THE PRESIDENT			
108–126	Iraq relief and reconstruction fund (emergency)	20,304,000	20,304,000	
108–126	Economic support fund (emergency)	422,000	422,000	
108–126	United States Emergency Fund for Complex Foreign Crises (emergency)	100,000	100,000	

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

[In thousands of dollars]

Doc. No.	?	Supplemental estimate	Committee recommendation	Committee recommendation compared with supplemental estimate (+ or −)
	DEPARTMENT OF STATE			
108–126	International narcotics control and law enforcement (emergency)	120,000	120,000	
108–126	Nonproliferation, antiterrorism, demining and related programs (emergency)	35,000	35,000	
	MILITARY ASSISTANCE			
	FUNDS APPROPRIATED TO THE PRESIDENT			
108–126	Foreign Military Financing Program (emergency)	222,000	222,000	
108–126	Peacekeeping operations (emergency)	50,000	50,000	
	Total, Chapter 2	21,293,000	21,353,500	+60,500
	Emergency appropriations	(21,293,000)	(21,293,000)	
	Contingent emergency appropriations		(60,500)	(+60,500)
	Total, TITLE II	21,479,800	21,444,000	−35,800
	Emergency appropriations	(21,479,800)	(21,328,800)	(−151,000)
	Contingent emergency appropriations		(151,000)	(+151,000)
	Rescissions		(−35,800)	(−35,800)
	GRAND TOTAL (net)	87,039,804	87,004,004	−35,800
	Emergency appropriations	(87,039,804)	(60,759,653)	(−26,280,151)
	Contingent emergency appropriations		(26,280,151)	(+26,280,151)
	Rescissions		(−35,800)	(−35,800)

Mr. COCHRAN. 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.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I wish to take this time to talk about some of the successes that our wonderful military uniformed personnel are having in Iraq. We see a lot on the television that looks like things are in chaos, and in some places they are.

I want to talk about some of the good things because I think as we take up this supplemental appropriation, we are going to be talking about what this money is going for and why we need to put $20 billion into rebuilding Iraq.

This picture illustrates so well what we are going to be doing with this money and why we need that $20 billion to help us rebuild Iraq.

The schools are starting today in Iraq. Millions of schoolchildren are beginning to go to school today. According to TSgt Mark Getsy from the 506th Air Expeditionary Group, these children have been climbing the gates for weeks, climbing the gates because they are so excited that they are going to get to go to school. Why are they excited? Why are they able to go to school?

I will give some instances of how successful we are. Air Force and Army volunteers have extended a helping hand to these children for weeks so that their education can be in the best possible facilities. Members of the Air Force's 506th Expeditionary Civil Engineer Squadron at Kirkuk Air Base and the Army's Battle Companies 2nd Battalion, 503rd Airborne, have teamed up to renovate two schools in the local area. The first school is a model for the rest of the Kirkuk schools, and it is opening today.

Said 1SG Richard Weik, the Army project officer:

We adopted the schools because they were close to our safe houses. The first thing we did was go around and assess the electrical and plumbing situation. It was a mess.

The Army called in Air Force electricians to help get the school ready for business. TSgt Jack Vollriede, an electrician from the 506th ECES, said Air Force electricians were already working in the area on Army safe houses when they heard about the project.

The Army asked us if we would check out the electrical work being done at the school. I saw the work needing (to be) done was very similar to what I do in my civilian job back home so I asked others in my shop to volunteer and help out with the project.

Since mid-September, more than 10 electricians have been working daily to get the schools up and running. Vollriede said it was hard at first to find the right parts, but the team managed to accomplish a great deal in a short period of time.

We have completed five electrical service panel replacements, installed emergency lighting, fixed all the interior lighting, and even fixed the school bell. We are now working on installing grounded outlets for computers in all the classrooms and offices.

I know the Senator from Montana is in the Chamber and is scheduled to speak. I will yield to him as soon as he is ready, but I first will say how important this is. It is happening all over Iraq. These Army and Air Force volunteers are coming in and fixing the schools so that these children can start learning, not just the limited knowledge that they had during Saddam Hussein's time but knowledge of the world, knowledge of freedom, knowledge of other horizons that they will be able to share when they get their education. They know it and they are excited about it. It is something that America is providing.

The $20 billion that we are going to be voting on in the $87 billion package is going to encompass projects like this that will start the process for the Iraqi people to have a better quality of life, educated children—what every person in the world would like to have: quality of life and education for their children—and that is what the money will go for. So we are going to be debating why we need $20 billion to rebuild Iraq. It is for the national security of the United States that these children start school, that our great volunteers help them do it, because if we can get these children educated and a quality of life, and an economy for the people of Iraq, those terrorists will not have a safe haven. Those terrorists will be driven away by the Iraqi people because they will see the difference in their lives when they have freedom versus when they live under a tyrant or when they have terrorists in their midst.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Before the Senator from Texas leaves the floor, I do not know where she got hold of that poster, but I have said ever since the invasion started, and the assault towards Baghdad, our greatest ambassadors, who are on the ground and are still there today, are our warriors. The effects of our action in Iraq will not really be felt for another 10 years or so. When the young folks seen in that poster become adult age, they will remember that warrior who walked up to them, dusty, sandy, dirty, greasy, ladened with armor, weapons and goggles on his helmet; yet they reached out the hand of friendship in the form of a bottle of water or a candy bar.

One must remember these young folks were hunkered down in their homes and told how evil this Army was that was approaching their area. When the Army arrived, they found out those things they had been deprived of, the bare essentials to survive the last few days, were available and had come from the hand of an American soldier or marine. That is why we hear so many of our military on the ground today telling us to rebuild the infrastructure, bring back the central services so these people can live, improve their quality of life, and rebuild their own country.

To a man, all the military people I have visited with who have come home have said that.

Mrs. HUTCHISON. Mr. President, responding to the comments of the Senator from Montana, he could not be on target any more. I hear the same thing from the men and women who return, the men and women I talked to when I was in Iraq and Afghanistan. I agree with the Senator that it is those wonderful, clean-cut, all-American soldiers who give the best possible image of our country.

This picture is of a soldier from A Company, the 101st Airborne Division. He is handing out school supplies. The A Company took up a collection in the town of Mosul. They went to the local economy and they bought school supplies for these children to be able to have pencils, erasers, and paper when they go to school. One could not ask for better ambassadors. They did it from their own pockets because they know what we are doing in this country is important for the security of the American people.

Mr. BURNS. That is the genius of our country, when we look at it. We have always lived for the next generation. Our mothers and fathers wanted us to be educated better than they were.

I was raised on a small farm in the Midwest before I went to Montana when I was 18. The generation before us wanted us to be educated better than they were. They wanted us to start up the economic ladder a little bit better than they started. I was a product of the Great Depression in the 1930s. In doing that in the family unit, of living for the next generation, this system has afforded the highest quality of life and standard of living for more of its citizens than any other society that has been developed on the face of this planet. That is what makes this particular mission in Iraq, in the Middle East, very important. Those young people who met and have a very positive view of Americans, who are the young ages of 8, 9, 10, 11, 12—the most impressionable years of a young person's life—will never forget that. That will be burned in their brains. There might be a lot of propaganda flying around, but they know. They shook the hand of and met our best ambassadors.

We didn't start this fight. We didn't start this fight. Because if 9/11 of the year '01 doesn't mean anything else, it should carry the same significance as Pearl Harbor or any other devastating attack that has been carried out against this country. We didn't start this fight, but they brought the fight to the wrong people and the wrong country because of our values and because what we really believe in is that freedom equals opportunity, opportunity means choices, and choices have consequences.

It is this warrior who cleared the way. The polls now say the majority of the people in Iraq believe they are now better off than they were under the tyrant Saddam Hussein.

Why is $21 billion important? Saddam Hussein had a knack of controlling his people. He did it through the rationing of central services, the very basics of our community. He only had about 60 percent or 70 percent capacity to produce as much electricity for his country as he needed. So if he didn't like you, or you made him mad, or you came from the wrong side of the creek, you didn't get electricity. If anybody wanted centrally controlled health care? He had it. He rationed it. He used it to control. Water, whatever the central services, his infrastructure was in complete disarray. But he liked it like that. So he had to go, that tyrant—mass graves, history of gassing people, killing people, raiding his neighbors.

So we didn't start this fight. We are sure going to conclude it. We are sure going to develop a country of people who desire to be free and to live, to educate and to raise their kids in a free society. Representative government has already taken over in Iraq.

The overwhelming majority of these funds, of course, go to our military in this particular piece of supplemental funds for Iraq and Afghanistan.

But those who would deny them freedoms and opportunities, and control them through fear, understand what this is about. It is about people who are in charge of their own destiny and are not afraid to stand for freedom or die for the next generation. That is what it is all about. That is what this President envisioned when we were hit on 9/11. He didn't ask for those planes to fly into the World Trade Center or hit the Pentagon or the plane that crashed in Pennsylvania. He didn't ask for the first attack on the World Trade Center. He didn't ask for the attacks on the USS *Cole*, Khobar Towers, our embassies around the world.

There is no negotiating with folks who use fear to control. For, if we fail here, the battle line is probably our own country. Since the Civil War, not a shot has been fired here. We have always carried the fight to the enemy's ground. That is what it is all about.

Representative government in small towns and political bounds and political units in Iraq have already taken hold. We are already establishing an interim government in Baghdad and it will not be long before they have a constitution, they will have elections.

Our interest there is in the generation of school kids because it is an investment. Is it an investment? Yes, but it is an investment in human lives, in human endeavors. Sure, it is a lot of money, but money is a tool. Money is a tool that can bring good or it can be evil, and we have chosen to use ours in the name of good.

Yesterday in committee we had some very good ideas on how we should help these people get on their own feet and prosper, how we can help. Yes, the $20 or $21 billion in this will do that. But how to administer that, what should it go for? What should it do? Because it is America's hand. It is not our hand of Congress, it is the people of America reaching out because the people of the United States know what is at stake. There were some very good ideas. Some were premature. Some will be considered here on the floor of the Senate and they will be argued on their own merits.

But when we take a look at the overall package, it is a pretty solid package that we extend toward these people who now stand in harm's way, who now risk some disdain from their neighbors for joining a police force or a militia that will stand for good. It takes some bravery to do that, in a land where terrorism and death and destruction have been commonplace for the last 2 decades.

We will be that steel in their backbone. But we also have to give them the funds with which to build. They have made the decision. There are polls which indicate that. They have made the decision to stand for good and right and freedom. That is what this bill is all about. It may be characterized in many ways, but I think it is America's best hour. To establish another democracy in the Middle East where basically there is only one, to expand those freedoms now to the other side of the river, it is a noble and just thing to do.

I thank the Chair for the time to express my views about the importance of this legislation. Their values are not much different than ours: Their families, their kids, their country. Our ability to fix irrigation systems and communication systems so they can talk, and a system within which they can feed themselves, and have something to say about their own destiny, that is a noble cause. That is an American cause. That is what we are all about.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, today we begin the most consequential national security debate in a generation.

At stake is more than just the fate of $87 billion in spending.

This debate will speak to the lives of hundreds of thousands of our men and women in uniform, who are being asked to risk everything for their country.

It will speak to America's taxpayers who are being asked to shoulder the burden of the administration's Iraq policy with little or no help from our friends and allies around the globe. And it will speak to our Nation's responsibilities and its role in the world today and for years to come.

Let me begin, though, by talking specifically about what this debate is not about.

Democrats and Republicans are united in our support for all our brave service men and women.

They continue to bring honor to their country. Inspired by their performance of duty to us, we pledge to live up to our duty to them.

Democrats will do everything in our power to ensure that our troops have every tool and resource necessary to do the job we are asking of them. Democrats and Republicans are also united in our commitment to a free, stable,

and secure Iraq. Terror must not be the successor to tyranny.

Therefore, Democrats are committed to doing everything possible to keep Saddam Hussein from returning to power and to keep terrorists from exploiting Iraq as a base of operations.

Our mission in Iraq will remain unfinished until Iraqis are governed by a constitutional government, defended by their own security forces, protected by their own police and judicial system, and provided for by a functioning infrastructure financed with Iraqi resources.

The United States must not and will not prematurely abrogate its responsibility to a fully liberated and self-sufficient Iraq.

In short, this debate is not about whether or not we should run from our obligations to our troops and to rebuild Iraq. We will not.

Simply, this debate is about how to ensure our objectives for Iraq are met successfully and our troops brought home to their loved ones as safely and quickly as possible.

Day after day, we receive more evidence of the inadequacy of the administration's plan for the stabilization and reconstruction of Iraq.

Yesterday, the New York Times reported that 650,000 tons of Iraqi munitions lie unprotected. There is evidence the 500 pound bomb that terrorists used to destroy the U.N. headquarters in Baghdad may in fact have been stolen from one of Saddam's old munitions depots. This news comes to us 3 weeks after the Pentagon assured us that all known weapons sites had already been secured.

In spite of these concerns, the administration continues to say that its prewar planning was adequate to the task, and that it has the right prescriptions for Iraq's future.

But an objective look at the record indicates that the White House's plan for post-Saddam Iraq was either inadequate or altogether non-existent.

In its post-combat report, the Joint Chiefs of Staff concluded that the postwar plan was not sufficient to some of the most critical challenges we face in post-Saddam Iraq.

I quote from that report:

> Late formation of [post-conflict] organizations limited time available for the development of detailed plans and pre-deployment coordination. . . . Weapons of mass destruction (WMD) elimination and exploitation planning efforts did not occur early enough in the process to allow CentCom to effectively execute the mission.'' It concludes, ''The extent of the planning required was underestimated.''

Just yesterday I learned from Iraq's Governing Council that the administration had failed to consult them when putting together its proposal to rebuild Iraq.

Think about that. At the same time the administration professes its desire to put Iraqis in charge of Iraq, it failed to seek their counsel about Iraq's most urgent needs. Instead, the administration chose to have Ambassador Bremer and its experts here in Washington determine what was best for the citizens of Baghdad and Basra.

The administration's inadequate post-Saddam planning continues to have gravest consequences.

On a daily basis, our soldiers follow orders that place them in mortal danger because they understand their work serves a greater purpose and a larger strategy. But when we place them in situations where there is no effective strategy or plan, this danger is greatly increased.

Sadly, this is a lesson our Nation has had several opportunities to learn. Retired General Anthony Zinni put it best. He said in a recent speech:

> [Our troops] should never be put on a battlefield without a strategic plan, not only for the fighting—our generals will take care of that—but for the aftermath and winning that war.
>
> Where are we, the American people, if we accept this, if we accept this level of sacrifice without that level of planning? Almost everyone in this room, of my contemporaries—our feelings and our sensitivities were forged on the battlefields of Vietnam; where we heard the garbage and the lies, and we saw the sacrifice.
>
> We swore never again would we do that. We swore never again would we allow it to happen. And I ask you, is it happening again? And you're going to have to answer that question, just like the American people are.
>
> And remember, everyone of those young men and women that do not come back is not only a personal tragedy, it's a national tragedy.

By asking the right questions and making the right changes to the administration's supplemental request, the Senate can act to correct these mistakes and ensure success in Iraq. But time is running short—in Iraq and here at home.

As Iraqis become accustomed to terrorism as a daily fact of life, they are looking to U.S. leadership for reasons to be hopeful.

They want to work with us to build a better future for themselves, but they need to know that we are committed to that future. At the same time, Americans are growing impatient. The costs of success, both in lives and in money, appear without end.

For both Iraqis and Americans, the window to demonstrate a clear plan for Iraq's future is closing.

The next 3 months are crucial to turning around the security situation, which is volatile in key parts of the country.

Iraqis, Americans, and the entire world are watching closely to see how resolutely the coalition will handle this challenge. The Iraqi population has high expectations, and the window for cooperation may close rapidly if they do not see progress on delivering security, basic services, opportunities for broad political involvement, and economic opportunity.

The ''hearts and minds'' of key segments of the Sunni and Shi'a communities are in play and can be won, but only if the Coalition Provisional Authority—CPA—and new Iraqi authorities deliver in short order.

To do so, the CPA will have to dramatically and expeditiously augment its operational capacity throughout the country, so that civilian- led rebuilding can proceed while there are still significant numbers of coalition forces in Iraq to provide maximum leverage over those who seek to thwart the process.

We believe the greatest opportunity for success lies in internationalizing the effort to stabilize and rebuild Iraq.

It reduces the risk to U.S. service men and women and the cost to U.S. taxpayers. It increases the international legitimacy of the post-Saddam effort. It makes Iraq the world's challenge and the world's responsibility.

This can be accomplished through two simple steps. First, the President needs to make obtaining greater cooperation among our allies his top national security priority and be willing to do what is reasonable to obtain their support.

It is not enough for the President to make speeches or insist on resolutions at the United Nations that essentially restate policy positions that to date have left us working largely alone.

Second, the administration needs to produce a clear plan that demonstrates both to our Armed Forces and to our taxpayers precisely what sacrifices will be expected of them, both now and in the future, in order to accomplish our objectives.

This supplemental budget request does not take either of those steps.

Before the Senate is one bill, but in truth, there are two separate and distinct requests. First, is the $67 billion requested to equip our troops to do their job. Democrats have no objection to this request and we would be willing to approve this funding this very day.

Alongside funding to support our troops stands an additional $20 billion to aid in the rebuilding of Iraq. As I said earlier, Democrats remain committed to doing whatever it takes to provide Iraq with the tools and resources necessary to join the community of nations as a safe, responsible, self-sufficient member.

But a supplemental request is not a plan. And we have serious misgivings about providing the funds requested until we have confidence they will be used in service to a plan that will successfully achieve our objectives in Iraq.

That confidence is undermined when Americans read reports that firms with close personal and financial ties to the White House are winning no-bid contracts, raising the appearance of impropriety and cronyism.

That confidence is further eroded when Americans learn that many of the items within this supplemental request seem grossly inflated or dubious. The American taxpayer is being asked to pick up the cost of 600 radios and telephones at the cost of $6,000 apiece, pickup trucks at $33,000 a piece. Iraqi prisoners will be incarcerated at $50,000 per year, more than twice the cost in

American prisons. And Iraqi entrepreneurs will receive business training costing $10,000 per month, more than two-and-a-half times the cost of an education at the Harvard Business School.

To be sure, many investments within this bill are worthwhile. But we should bring the same vigilance to control unnecessary spending that we bring to spending here at home. That is the root of the questions we will ask and the amendments we will offer.

We have sought to raise important questions such as these since the very beginning of the Iraqi conflict. Unfortunately, upon each occasion, Republicans opted to question our motives and in some cases, even our patriotism.

Senate Armed Forces Committee Chairman JOHN WARNER said last week of our soldiers, ''Their fathers, their uncles, their grandfathers have served in previous military conflicts, and they look upon the Congress as that bastion that safeguards those that are put in harm's way. I ask, do these comments constitute embracing, as we should, those families, those children? Is that safeguarding those put in harm's way? I say no.''

Senate Intelligence Chairman ROBERTS even suggested that the posing of questions put the lives of our soldiers at risk. ''I'm very concerned that if the criticism is so harsh as to create the impression of lack of resolve, I wonder what goes through the minds of . . . not only our men and women serving in uniform, but the very terrorists who are killing our troops and their fellow Iraqis.''

These comments represent a low-point in the Senate's proud tradition of deliberation and debate. The right to question our leaders is the foundation of our democracy.

Demanding answers in a time of war strengthens our democracy, rather than weakening it. President Teddy Roosevelt once said, ''To announce that there must be no criticism of the President or that we are to stand by the President right or wrong is not only unpatriotic and servile but it is also morally treasonable to the American public.''

As American citizens, we are obligated to ask these questions. And as Senators, we are not only obligated but empowered by our Constitution to demand answers. That is precisely what we will do during this debate.

As this debate proceeds, Democrats will offer a series of proposals that are designed to win back the trust of the Nation and the support of the world for our Iraq policy.

First, the White House must develop and inform Congress and American people about plans for success before gaining access to reconstruction funds. Second, the President should increase efforts to gain international involvement, both in terms of financial support and commitment of troops.

Third, those who have benefitted most from our Nation's prosperity should help pay their fair share for its defense. By rolling back the President's tax cut for the wealthiest one percent of Americans for just 1 year, we can pay for the full cost of this request without increasing the national debt.

Fourth, we need to ensure fair, open competition for contracts.

Finally, the White House should to transfer control of the reconstruction of Iraq from the Defense Department to the State Department, which has expertise and experience in nation building.

History will remember what we say in this debate, because it will shape not just the fate of this spending request but the fate of Iraq, the Middle East, and America's foreign policy for years to come.

I am confident that the Senate will live up to its responsibility to our troops and provide them with the support they need and have earned.

I am hopeful that Republicans will join Democrats in insisting that the White House offer a clear plan to go along with the unprecedented level of funding we have been asked to provide.

When our armed forces toppled Saddam Hussein's regime, Americans became bound to the Iraqi people and responsible for their fate.

We are committed to fulfilling that responsibility by providing the resources and support they need to become fully independent members in the community of nations.

But our vision cannot be clouded by false optimism or blinded by stubborn pride.

It is not too late to change course and bring a real plan and real cooperation, to the American rebuilding of Iraq. This opportunity will not last much longer.

We can't afford to let it, and the future of a secure Middle East, slip through our fingers.

The cost of success is great; the cost of failure is even greater.

Mr. MCCAIN. I ask my friend from Wisconsin how long he will be.

Mr. FEINGOLD. About 10 minutes.

Mr. MCCAIN. I ask unanimous consent the Senator from Wisconsin be recognized for 10 minutes, and I be recognized for 15 minutes following that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. I thank my friend from Wisconsin who was here before me.

Mr. FEINGOLD. I thank the Senator for his courtesy.

(The remarks of Mr. FEINGOLD are printed in today's RECORD under ''Morning Business.'')

Mr. FEINGOLD. I thank the Presiding Officer, and I again especially thank the Senator from Arizona for his courtesy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, we have begun a debate that may ultimately be more consequential than the war debate we had in this Chamber last October, which culminated in the votes of 77 Senators authorizing the President of the United States to go to war against Saddam Hussein's Iraq. A negative Senate vote last fall, before our country was committed to liberating and reconstructing Iraq, would have weakened the President's leadership and made America less secure. But a vote against reconstructing Iraq now, with 130,000 American forces on the ground, American credibility before our friends and enemies at stake, and the enormous responsibility of helping the Iraqi people rebuild their country now on our shoulders, would doom Iraq's transformation to failure, with grave consequences for the entire Middle East, and devastate American leadership in a dangerous world.

An extraordinary allied military campaign in Iraq overthrew, in 3 weeks, a Baathist regime that had ruled for three decades. Americans were rightly proud not only of our military's exemplary performance, but of the cause for which they fought: ending the threat posed by Saddam Hussein's regime and liberating the Iraqi people from his tyrannical rule. With their liberation came an obligation: to help them restore their devastated and demoralized country until it is stable, and secure, and free, and therefore, no longer poses a threat to its people or its neighbors. That job is not close to being done. We have not yet won the peace. And we do not have time to spare.

If we do not meaningfully improve services and security in Iraq over the next few months, it may be too late. The danger is that our failure to improve daily life, security, and Iraqis' participation in their own governance will erode their patience and fuel a minority's appeal for insurrection. We will risk an irreversible loss of Iraqi confidence and reinforce the efforts of extremists who seek our defeat and threaten Iraq's democratic future. That is why we have to pass this supplemental spending bill, urgently.

There are two fundamental errors we could make in postwar Iraq. We could stay too long, denying Iraqi sovereignty to a proud and talented people who have the human and material resources to build a progressive and modern Arab state. We cannot repeat in Iraq the example of the Balkans, where Bosnia and Kosovo remain U.N. protectorates years after our just military intervention. Few things would inflame Iraqi and Arab opinion more than a long-term United States occupation of Iraq. But America is not an imperial nation. We will leave Iraq when our job is done, and we will leave behind an Iraq that is whole, free, and at peace.

The other danger, and the greater risk, is that we leave too soon—before basic Iraqi services are up and running, before law and order are restored, and before there is a competent, representative Iraqi government in place to answer to the Iraqi people. They key to a

timely United States withdrawal from Iraq, and for the quickest restoration of Iraqi sovereignty, is to maximize our commitment now to providing the security and services that will allow the fragile institutions of democracy to take root. A serious United States investment in Iraq's future is the only way we can leave the Iraqi people and their leaders with a functioning, progressive state that will be an example for the region and a future partner and ally of the United States.

Some of my colleagues on both sides of the aisle accept that Iraq requires substantial and immediate reconstruction funding, but would provide that funding in the form of loans to be repaid to the United States or international financial institutions when the Iraqi economy is up and running again. This would gravely damage America's reputation and our support within Iraq. Asseting our claim to Iraq's oil revenues over the next 10 or 20 years would confirm the propaganda of our enemies and the suspicions of skeptics across the Arab world and closer to home: that this was a war for oil. It would also make it impossible for us to encourage countries like Russia, France, and Germany, which hold enormous levels of Iraqi debt from Saddam Hussein's era, to write off some of that debt in order to life its burden from the Iraqi people.

Seeking control, whether directly or indirectly, over Iraq's future oil revenues would condemn Iraq to be another ward of the international community by denying the Iraqi people the key to their future prosperity. By making a claim that would prevent future oil revenues from being spent by a representative Iraqi government to meet the needs of the Iraqi people, we would impede the economic development that will be key to a moderate, progressive Iraqi politics. We would make our immediate task of reconstructing and securing Iraq much more difficult, because collateralizing Iraqi oil revenues would encourage more Iraqis to believe the message of the Baathists and terrorists who oppose us: that we are in Iraq not to help the Iraqi people build a better future but to serve our own narrow ends, at their expense. Ironically, we would also make it more difficult for American forces to leave Iraq by handicapping Iraqis' ability to reconstruct their country and govern themselves. Providing reconstruction monies in the form of a loan would seriously undermine American national interests in the Middle East.

We will also debate the question of whether to divide this spending bill into military and reconstruction components. Proponents of this approach would substantially trim or vote down reconstruction funding, as if we should pay only for our troop presence in Iraq but spend little to nothing on what our troops are actually there to do: create basic security and enable restoration of services so the Iraqis can govern themselves. The reconstruction and military components of this spending request are inextricably linked. Part of the answer to the security challenges we face in Iraq is restoring basic services and empowering Iraqis to play a greater role in their own security. Voting against reconstruction funds will seriously degrade the security environment as greater numbers of frustrated Iraqis fall prey to the extremists' appeals to oppose our presence, putting our troops in greater danger and imperiling their core mission of stabilizing Iraq.

At a Senate Armed Services Committee hearing last week, I asked Ambassador Paul Bremer what would happen if Congress did not pass the reconstruction portion of the President's supplemental spending request. Here is his response: ''Well, it would be directly contrary to American's interest—obviously, it would be contrary to the Iraqi people's interest, but it would be contrary to our interest, because it would create a situation of much greater insecurity. I think we would find more of the population turning against us. I think we would find more attacks on coalition forces. Eventually, Iraq would . . . recede into a situation of chaos, not dissimilar from what was experienced in Lebanon in the 1970s and 1980s, and we would find another breeding ground for terrorists. So I think it's a rather grim outlook.''

I would encourage my colleagues who may be considering efforts to split this bill into military and reconstruction components in order to decrease or vote down reconstruction funding to contemplate the prospect of the kind of state collapse and civil war that destroyed Lebanon happening in Iraq as a result of our own shortsightedness.

The Senate will also consider proposals to reduce tax cuts for the wealthy in order to pay for Iraqi reconstruction. I voted against the President's tax cut package in 2003, in part because the costs of this war and its aftermath were unknown at the time. But given what is at stake for the Iraqi people and for America's national interest, I cannot support proposals to raise taxes to fund our mission in Iraq. Such proposals, if not linked to the Iraq supplemental, would have merit, but were they to pass as part of this package they would endanger its passage, transforming a domestic political dispute into what would quickly become a foreign policy defeat. Our success in Iraq is too important to take that chance.

This bill is not perfect. I intend to offer an amendment to provide for regular auditing of the Coalition Provisional authority's budget, and I suspect the Senate will add additional reporting requirements to better inform us about how reconstruction money is being spent. But given the urgency of our mission in Iraq, I intend to strongly support the President's budget request, oppose all amendments that could endanger its passage, and do everything I can to see that the United States honors the commitment we have entered into to help the Iraqi people stand up a legitimate, representative government that does not threaten them or their neighbors, and that is a force for good in a dangerous region.

Every so often in this Chamber, we deal with an issue of such gravity that it transcends partisan divisions. Providing for Iraq's democratic future should be such an issue. I encourage my colleagues to gauge carefully the broader national interest, as we conduct what I hope is a civilized and high-minded debate. To a large extent, or choices will determine the success or failure of what I believe to be the most important foreign policy challenge in a generation.

Failure to make the necessary political and financial commitment to build the new Iraq could endanger American leadership in the world, empower our enemies, and condemn Iraqis to renewed tyranny. We must act urgently to transform our military success into political victory. Passage of these supplemental funds will move us meaningfully towards that goal. Stripping reconstruction aid or providing it in the form of a loan that will incite Iraqi and Arab hostility against us will only make the job of our service men and women in Iraq harder and could doom them to failure. After all their sacrifice, and in light of the potential a free and stable Iraq holds for the future of the Middle east and America's position in the world, it would be disgraceful to turn our backs now.

Iraq's transformation into a progressive Arab state could set the region that produced Saddam Hussein, the Taliban, and al-Qaida on a new course in which democratic expression and economic prosperity, rather than a radicalizing mix of humiliation, poverty, and repression, define a new modernity in the Muslim world that does not express itself in ways that threaten its people or other nations. Conversely, a forced United States retreat from Iraq would be the most serious American defeat on the global stage since Vietnam. I don't make that statement lightly. I repeat: A forced United States retreat from Iraq would be the most serious American defeat on the global stage since Vietnam.

Our mission in Iraq is too important to fail. But it is winnable, because an Iraqi majority shares our vision of a free and progressive Iraq. Our national interest demands that we help them realize this goal.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

Mr. DORGAN. Madam President, we are debating the emergency supplemental bill that deals with the request for funds for our military, as well as for reconstruction in the country of Iraq.

I believe it is necessary to provide the funding that is requested for our military, and I believe the President will find wide support for that on the Senate floor. I believe it is also necessary for reconstruction to occur in Iraq. I don't disagree with that issue at all. However, I disagree as to where the funding should come for this reconstruction.

I agree with my colleague who talked about this being an important time and that there are very important questions for the Senate to confront. These are serious questions and need to be dealt with in a serious way. I expect this debate will be respectful, even though we have some disagreements.

I think there is more agreement than disagreement on most of these questions. I mentioned that when the President requests funding for our Defense Department and our soldiers who are on a mission this country has asked them to undertake, we have an obligation to provide the necessary funding for them to complete their mission. America cannot ask its sons and daughters to go to war and then withhold anything that is necessary for them to complete their mission. That which is needed in the Defense Department, that which those who are commanding our soldiers say they need to finish this job, we must provide and, in my judgment, will provide.

This appropriations request, however, includes not only resources for our military, but also resources for the reconstruction of Iraq. I want to talk about that for a bit because we had a long debate in the Senate Appropriations Committee yesterday and had several votes. The votes turned out to be one-vote margins. I want to talk about that.

First, let me say I believe that, while I have not visited Iraq, there are many important and positive things happening in the country of Iraq. Yesterday one of my colleagues asked the question: Why are those positive developments not being reported? I expect, based on talking to folks who have visited there, and from Ambassador Bremer's testimony, and others, including colleagues who have visited there, that there are things happening in that country which are very positive. I agree with that. Those who ask the question ''why are they not being reported'' might watch the television news in Washington, DC, tonight and see what is reported. What is reported is negative. It is not just with what is happening in Iraq, it is what is happening everywhere. That is the way the business works. Turn on the television tonight in Washington, DC, and see what the lead story will be. It will be a murder, or a kidnapping, or a robbery, or an accident. That is just the way it works.

That is what is happening in Iraq. The media is reporting the bad news. That is what they will report tonight here in Washington, DC. There is an old saying, ''bad news travels halfway around the world before good news gets its shoes on.'' Never is that manifested more relentlessly than in our media. I understand that. It is not just happening with Iraq.

But from eyewitnesses and those who have been on the ground in Iraq, we know that there are positive things happening there.

Having said that, we cannot dismiss the fact there are some significant problems and challenges in Iraq as well. It is not ordinary and normal, and it is not something we should ever become accustomed to, to wake up in the morning and turn on the news and hear of another American soldier who was killed, or more American soldiers wounded. That is not something we can become accustomed to in this country.

I also believe, as I indicated, that as we consider a piece of legislation with a price tag of $87 billion to support the troops and provide the resources necessary for the troops and also to provide for the reconstruction of Iraq, it is an appropriate and important time to ask some questions about especially the portion dealing with reconstruction. That is what I focused on yesterday in the Appropriations Committee.

Let me talk about this reconstruction. This is a new subject that is offered us by the President—reconstruction. We understood what the President planned to do with respect to the campaign called shock and awe, which was a military campaign, would be devastating in its consequences to the Iraqi troops, but not devastating to the country of Iraq in terms of infrastructure, because we deliberately did not target the infrastructure there. We did not target their electric grid, their powerplants, their dams, their roads, or their bridges. We deliberately did not do that and we were successful in avoiding that. So then what is the requirement for reconstruction?

The requirement for reconstruction, by and large, stems from a long-term deterioration of the assets of Iraq under Saddam Hussein, No. 1; and No. 2, from a type of guerrilla activity by insurgents inside the country of Iraq—Iraqis themselves, among others—to destroy property and infrastructure in Iraq. That is what caused this administration to ask us for nearly $21 billion to reconstruct the country of Iraq.

Let me say that the request for the reconstruction of Iraq is a request for grants, where we will take the money from our Treasury—or borrow the money, as will be the case, because we are very deeply in debt in this country at this point and our annual budget deficit is roughly in the $475 billion range. We will borrow money to provide it to the Iraqis for reconstruction. Let me go back to some things and indicate why some of us are surprised by a request for nearly $21 billion to reconstruct Iraq.

Deputy Secretary of Defense Paul Wolfowitz said this on March 27 of this year:

> And on a rough recollection, oil revenues of that country could bring in between $50 and $100 billion over the course of the next two or three years. We're dealing with a country that can really finance its own reconstruction, and relatively soon.

Again, Mr. WOLFOWITZ, Deputy Secretary of Defense, said just 5 months ago:

> We're dealing with a country that can really finance its own reconstruction, and relatively soon.

Richard Armitage, Assistant Secretary of State, said:

> When we approach the question of Iraq, we realize here is a country which has a resource. And it's obvious, it's oil. And it can bring in and does bring in a certain amount of revenue each year, it could—$10, $15, even $18 billion.

So this is not a broke country, first of all. He is describing the resources the country of Iraq has.

Vice President CHENEY in March of this year said:

> There are estimates out there.

Talking about Iraq.

> It's important, though, to recognize that we've got a different set of circumstances than we've had in Afghanistan. In Afghanistan you've got a nation without significant resources. In Iraq you've got a nation that's got the second-largest oil reserves in the world, second only to Saudi Arabia. It will generate billions of dollars a year in cash flow if they get back to their production of roughly three million barrels of oil a day, in the relatively near future. And that flow of resources obviously belongs to the Iraqi people and needs to be put to use by the Iraqi people for the Iraqi people, and that will be one of our major objectives.

That was Vice President CHENEY.

So we have Richard Armitage, Assistant Secretary of State, saying Iraq can be reconstructed with Iraq oil; Paul Wolfowitz, Assistant Secretary of Defense, saying Iraq can finance its own reconstruction; Secretary Rumsfeld, on March 27 of this year, said: I don't believe the United States has the responsibility for reconstruction, in a sense. Those funds can come from those various funds I mentioned—frozen assets, oil revenues, and a variety of other things, including Oil for Food which has a substantial number of billions of dollars in it.

We have the Secretary of Defense, the Assistant Secretary of Defense, the Assistant Secretary of State, and the Vice President.

Let me read quotes from Mr. Natsios who runs USAID, which is the agency in the State Department involved in reconstruction.

On April 23 on Ted Koppel's ''Nightline'' program, Ted Koppel says:

> I mean, when you talk about 1.7, you're not suggesting that the rebuilding of Iraq is going to be done for $1.7 billion?

Mr. Natsios, who runs this program for the administration, says:

> Well, in terms of the American taxpayers' contribution, I do, this is it for the U.S. The rest of the rebuilding of Iraq will be done by

other countries who already made pledges, Britain, Germany, Norway, Japan, Canada, and Iraqi oil revenues . . .

Will be used eventually in several years when it is up and running and when a new government, democratically elected, will finish the job with new revenues.

They are going to get $20 billion a year in oil revenues. But the American part of this will be $1.7 billion. We have no plans for any further on funding for this.

This is 5 months ago from the point person in this administration with respect to Iraq's reconstruction, saying $1.7 billion.

Ted Koppel comes back to him again on the same program and says:

You're saying the, the top cost for the U.S. taxpayer will be $1.7 billion. No more than that?

Mr. Natsios: For the reconstruction. . . .

Ted Koppel: But as far as the reconstruction goes, the American taxpayer will not be hit by more than $1.7 billion no matter how long the process takes?

Mr. Natsios: That is our plan and that is our intention. And these figures . . . I have to say, there's a little bit of hoopla involved in this.

I guess he was referring to something else. There sure isn't a lot of hoopla involved in his figures.

Later in the program, Mr. Natsios says, responding to Ted Koppel:

That's correct, $1.7 billion is the limit on reconstruction for Iraq.

That was 5 months ago from the point person on reconstruction in this administration. Five months later, we are asked for $21 billion—$21 billion. How did things change so quickly? Why did they change so quickly? Why was it decided that the obligation for the reconstruction of this country—not an impoverished country, I might say, a country with the second largest reserves of oil in the entire world—why was it decided the American taxpayers should bear this burden exclusively?

Ambassador Bremer testified before our Appropriations Committee. I asked him about this issue.

I said: Mr. Ambassador, Iraq has very substantial oil reserves. They have liquid gold under that sand. They have the capability of pumping a lot of oil.

He said: Yes.

In fact, when I asked about how much they would pump, he said: By July of next year, we expect Iraq will be pumping 3 million barrels of oil a day and, using their figures, we expect, when you take out of that the amount necessary to be used in Iraq by Iraqis, the amount of money that they will sell on the export market will produce $16 billion a year of revenue—$16 billion a year.

Yesterday, members of the Iraqi Governing Council were in town, and they said they are going to be producing 6 million barrels of oil—double that. Let's use the more conservative figure of 3 million barrels of oil produced a day by next July. This then is a country that has the capability of producing $160 billion in 10 years from oil revenue exports only or $320 billion in 20 years. Securitizing that oil production would be relatively easy for Iraq in order to raise the funds to reconstruct what is needed to be reconstructed in Iraq.

I asked Ambassador Bremer, why then would you not propose that Iraqi oil be used to reconstruct Iraq? He said: Because Iraq has substantial foreign indebtedness, they will not be able to encumber their oil revenue; they will have to repay foreign indebtedness first.

I asked Ambassador Bremer to whom Iraq owed money. He said, France—I believe he said Russia first—Russia, France, Germany.

Following that hearing, I began to do some research on Iraq's indebtedness. It turns out that the largest of Iraq's creditors are Saudi Arabia and Kuwait. The best estimates are that Iraq owes somewhere close to $25 billion to Saudi Arabia. And they owe somewhere close to $25 billion to Kuwait. They owe somewhere between $20 billion and $30 billion to the other gulf states. They owe between $4 billion and $8 billion to France, $4 billion to Germany, and somewhere between $9 billion and $12 billion to Russia. But as one can see, the largest creditors of the country of Iraq are Kuwait and Saudi Arabia.

Now, I find it strange that anyone would suggest that the debts of Saddam's regime must be honored, but that the current Iraqi Governing Council is not able to incur debts.

Some make the point that the Iraqi Governing Council has not been democratically elected. Well, does anyone think that Saddam Hussein was duly elected? Let's just remember the last couple of elections. In 1995, Saddam Hussein ran for President of Iraq. He ran unopposed and won 99.96 percent of the vote.

Out of 8 million ballots, supposedly only 3,000 people voted against Saddam Hussein.

Then in August of 2000, they had another election in Iraq and Saddam Hussein ran again for President. He again ran unopposed. This time, the official election count was better, actually. With a 100 percent voter turnout, Saddam Hussein received 100 percent of the vote. That was actually the official count.

They provided no real polling booths. Voters were required to parade down a gallery containing 28 portraits of Saddam Hussein. They were required to hold their ballots over their head as they walked down this gallery so that everyone could see how they voted. Before the election, the Iraq phone company rigged their telephones so when a person picked up the phone to make a phone call, they heard the message that they had a requirement to go out and vote for Saddam Hussein.

The fact is, there is very little tradition of democracy in Iraq, as we know. The Saddam Hussein regime, which obligated the people of Iraq, apparently, to $150 billion to $200 billion in foreign debt, was certainly no more duly constituted a government than the current Iraqi coalition authority or provisional authority.

I believe Iraq does need reconstruction funding, but I believe very strongly that that ought not be the burden of the American people. I believe the result would be perverse if the American taxpayer was required to bear the burden of that $21 billion in expenditures, while Iraq pumped its oil, sold it on the open market, and used the revenues to ship suitcases full of cash to Saudi Arabia and Kuwait and, yes, Russia and France and Germany. I do not understand how anyone thinks that is in our interest.

I will briefly describe what we are told is urgently necessary for reconstruction in Iraq. I think some items are urgent, some are not, in order to advance the Iraq economy and in order to provide the Iraq people with an expanded set of opportunities and hope for the future.

The $21 billion includes, for example, reengineering business practices of the Iraq postal service, including instituting ZIP Codes. Well, that is not part of an urgent supplemental, in my judgment.

Then there is $54 million for a comprehensive consulting technical study for the Iraqi postal system. That is not urgent, in my judgment.

Restoring marshlands; two 4,000-bed prisons at $50,000 a bed; garbage trucks at $50,000 apiece; creating best business practice and training courses and opening job centers, and so on. I think some of this is likely urgent, some of it not, but all of it can and should be paid for with Iraqi oil.

I will describe how that could work and how it should work.

I offered an amendment in committee yesterday that would create an Iraq Reconstruction Finance Agency. I lost that amendment by one vote. Following that, I offered a second amendment, which is a choice I do not particularly favor but one that is better than a series of grants. That amendment would provide that instead of grants, we extend loans.

Both amendments were defeated in the committee, and I will offer both on the Senate floor as we proceed to have a debate about the reconstruction portion of this package.

The Iraqi Governing Council, I believe, has ample authority to create an Iraq Reconstruction Finance Authority and do so in a way that obligates future oil revenues of Iraq through some securitization, by which they would sell securities against future oil revenues and raise the money for reconstruction of Iraq. As one of my colleagues earlier today suggested, that is not in some way having the United States get their hands on Iraq oil. It is nothing of the sort. This is the people in Iraq making use of their resources, by securitizing their future oil reserves. Understand, they have the second largest reserves in the world. This is not an impoverished country. They

have dramatic and valuable resources. This is about Iraq citizens using Iraqi oil to reconstruct the country of Iraq.

Why would someone choose the alternative of saying, let's have the American taxpayer pay for the reconstruction of Iraq so that Iraq can pump oil to pay for the past debts it owes to Saudi Arabia and Kuwait?

Ambassador Bremer told me they were not recommending the use of Iraq oil for reconstruction because of the foreign debt that Iraq had and that it had to resolve. I think it ought to be resolved this way: I believe Ambassador Bremer and the Iraq authority ought to go to the donor conference and ought to be involved in bilateral and multilateral talks in which they seek debt forgiveness. After all, Saddam Hussein should not have been able to obligate the Iraq people and to mortgage their future. Saddam Hussein is gone. His government does not exist. Why do we believe that loans from the Saudis to Iraq back in the 1980s ought to be repaid now when those loans were made to Saddam Hussein? Let Saddam Hussein repay those loans, not the Iraqi people.

This was not a duly constituted government in the first instance. I just described the mechanism by which he was in power.

This is not a case, as my colleague earlier suggested, of just treating this in a nonserious way, believing that somehow the money is not needed for Iraq. I believe the military appropriations that the President has requested for our troops are related to reconstruction, but I believe very strongly that much of what is requested for reconstruction is, A, not urgent and, B, certainly not reconstruction that ought to be paid for by the American people.

Let me come again to this point: we were told time and time again that the U.S. taxpayer would have, at most, a minimal financial burden in terms of reconstruction.

The representations to us all along, all year, have been that Iraq oil would bear the burden for reconstruction. Vice President CHENEY said on March 16 of this year—I am quoting directly:

> In Iraq, you've got a nation that's got the second largest oil reserves in the world, second only to Saudi Arabia. It will generate billions of dollars a year in cash flow.

Ari Fleischer at the White House said:

> Iraq, unlike Afghanistan, is a rather wealthy country. It has tremendous resources that belong to the Iraqi people.

He is talking about Iraq has to be able to shoulder much of the burden for their own reconstruction.

Paul Wolfowitz, Deputy Secretary of Defense, said:

> On a rough recollection, the oil revenues of that country could bring between $50 billion to $100 billion over the course of the next few years. We're dealing with a country that can really finance its own reconstruction, and relatively soon.

Donald Rumsfeld, Secretary of Defense, on March 27, said:

> I don't believe that the United States has the responsibility for reconstruction, in a sense . . . And the funds can come from those various sources I mentioned: frozen assets, oil revenues, and a variety of other things.

The fact is, just months ago we were told by Secretary Rumsfeld, by Deputy Secretary Wolfowitz, by Vice President CHENEY, and many others that the U.S. taxpayer would not have to foot the bill.

We have not had anyone come to us to explain to us the reason for the change.

We had Ambassador Bremer explain to us why he believes the proceeds from Iraqi oil are going to have to be committed to repay Iraq's foreign debt. Translated to the language from my hometown, it would be: Iraqi oil should produce some revenue so the Iraqi people can pay off Saddam's debts to some of the richest countries in the world, Saudi Arabia and Kuwait.

But nobody came forward to say, we did tell you all these things 4 or 5 months ago, and did tell the American people and tell you in Congress you are not going to have to pay for reconstruction of Iraq because Iraqi oil is going to pay for it—no one has come forward to say, I was wrong then, or I have changed my mind.

The question is, Has the Vice President changed his mind? I am guessing so. Has Secretary Rumsfeld changed his mind? Has Mr. Wolfowitz changed his mind? Has Mr. Armitage changed his mind?

I think it is important to ask the question.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DORGAN. Madam President, are we under a time limit at this point? Could I have explained to me the time on the floor?

The PRESIDING OFFICER. The time until 12:30 has been divided. All time remains for the majority at this point.

Mr. DORGAN. This time for debate was apparently evenly divided until 12:30; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DORGAN. What will be the circumstances of the floor this afternoon, could I ask the manager?

Mr. STEVENS. Madam President, if I might respond, the bill will be subject to amendment at any time. We are hopeful there will be amendments. Neither Senator BYRD nor I have spoken on the bill yet.

Once Senator BYRD has finished his comments, we will be back on the bill. Of course the Senator could speak at any time.

Mr. DORGAN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, I think at this time I should point out what we are doing because we have brought to the floor the President's emergency supplemental request for Iraq. Last evening, the President signed the 2004 Defense Appropriations Committee bill. At the request of the Congress, specifically the Senate, the President did not include in that bill any funding for the war in Iraq or Afghanistan, and the funding for that and the global war on terrorism is in the supplemental that is before us now.

Many have asked for a great many things in connection with this supplemental that is before us. I think it is good to review history because we have had the history studied by the Congressional Research Service, and I am informed that no President before has asked, in advance, for money to conduct a war. This President did that. He had a supplemental before that carried us through fiscal year 2003. And this bill is theoretically to pick up on October 4 and carry forward the activities in Iraq and Afghanistan and the war on global terrorism following that time.

The bill does contain a substantial amount of money for the intelligence community, which is classified. This afternoon we will hold a hearing in our classified hearing room in the Capitol to explore some of the ramifications of that. We have closed out the hearings we held on this bill. I might say, in and of themselves, they are unique because I know of no hearing on a supplemental request of this type during my time in the Senate. The request was made for hearings by my good friend from West Virginia, and we have accommodated that. I know he wishes we would have more hearings, but I believe we have explored the proposals that have been presented to us as a Special Emergency Supplemental by the President, under these circumstances, as much as is possible because we have some time frames involved. The moneys for defense activities in Iraq are in this bill. We have an enormous number of people involved in this activity now, and this bill asks for about $66 billion to continue those activities through the fiscal year of 2004; that is, until September 30, 2004.

We have had presented to us, in addition to that Defense supplemental, the request for $20.3 billion to carry out the activities of our Government in connection with the reconstruction and rehabilitation of Iraq during this period ahead of us. Many will ask—demand that the money in this second category be strictly loans.

There is no government of Iraq yet. There is no one we can really have obligated to repay it. We are exploring mechanisms that might be possible to set up ways in which a portion of the money would be required to be repaid. But the testimony before our committee was that these two sums are inextricably entwined. They represent the best effort of the military department, our Department of Defense, and of our State Department and other Departments of the executive branch to present to Congress an approach to try to move through the process of having an army of occupation in Iraq and move to establishing a new form of

government in Iraq, supported by their people, and provide the security for that government, provide the security for the people who will be running the oilfields, as have been mentioned here, with the power stations, and the schools and other activities that are still subject to some opposition by terrorists in Iraq.

I believe Ambassador Bremer and his people have presented a coherent outline of what we are going to do. But the demand is to know in advance what is going to happen, almost on a daily basis: What are you going to do? Really, the contingencies in advance of us, now, of our Government, are unique.

If you look at Germany or look at Japan, we had a military government of occupation. We provided the complete security. We provided the complete government in the past when we ended the war. We did that to a great extent in other places, too, where we helped in Kosovo, Bosnia, and other areas. We were, for several years, involved in both of those areas.

We have been involved in this area less than a year. The proposal now is to carry into the next year a plan, which was presented to us in the Senate, in our security room, in July. Some people didn't get a copy of that. That is unfortunate. But it was being presented to us during our hearings. That plan clearly sets forth the plan that was developed by Ambassador Bremer and by the State Department and our Department of Defense, to proceed now and not have an army in occupation, that we do not want to be an occupier.

We want to continue our work to secure the area for the purpose of building this new government, but we have actually had some of our military people withdrawn from the areas of Iraq which have been completely pacified now and are normally operating. The local police are maintaining security. A portion of their new army is behind them, securing those areas. Still, it is a very volatile area and that is primarily the area of concern.

It is that area that depends so much on the money that is in the second part of this bill. Ambassador Bremer personally told me a number of times the oil pipelines have been bombed, sabotaged. While they are repairing those oil lines, the power stations have been brought back into operation. As oil lines were completely restored, the power stations were blown up. As they are trying to bring both of them back, then there are sniper activities in the Baghdad area, destabilizing the situation as far as restoring tranquility in this country.

This is a time and a place that the forces of the United States, both military and civilian, need guidance on a daily basis by the Commander in Chief and his representatives. This bill contains a sizable amount of money and the discretion to use that money to accomplish the objectives they have set out. I, for one, endorse those objectives wholly because I believe they will bring our people home sooner and have us have a friendly Iraq, rebuilding itself out of its oil income, once we are able to stop this terrorist activity that is impeding the flow of oil.

The Senator from North Dakota mentioned the amount of oil we were told will be there next July. That is true. It will be there unless the pipelines are blown up again. It will be there unless the power stations are blown up again. It takes power to run these pipelines. The power stations are there. They have been blown up also.

The problem with stability in this area is a very acute one. We have been warned of that. I think the plan they have presented, in the judgment of majority of the Senate Appropriations Committee, is such that we should give the President's people this discretion. It is a lot of money. No one questions it is a lot of money. In the first place, we separate the $66 billion for defense. I don't argue about that amount in terms of carrying forth our commitment to our men and women in uniform to see to it they have the supplies, the materials, the backup, the rest and recreation, all of the things that are in this bill, to assure them we are with them and that we support them in every way possible to get this job done. But the main thing we want to do for them is to get them home. The way to get them home is to assure that Iraq once more can run its own affairs, defend itself, and can have reasonable success in dealing with terrorism. We can't eliminate terrorism completely from Iraq any more than we can completely eliminate terrorism right now. We face terrorism at home. But the real problem is how soon can they know they have the capability of meeting terrorism and trying to deal with it as they try to impede the reconstruction and rehabilitation of that country. We are going to have some differences of opinion. There are differences really in philosophy, as far as I am concerned.

I think we ought to listen more to the generals who are over there in uniform, as I have yet to hear complaints from any of the people who have gone over there and who have been part of this tremendous success militarily. They report they are proud of what they have done, and they believe we are right, that we should as soon as possible have the Iraqis run this country. That is the goal.

We have had this monstrous success militarily. Normally, any country before in history has sent in an occupation force, set up a government, tried to find out who should be the new leaders of the government, worked with them for a number of years, and then eventually withdrawn their forces. Of course, as I think the world knows, we have yet to withdraw all of our forces from Europe from World War II. They started and became part of a permanent force over there almost, although I do think we ought to reexamine that, and we will in the near future. The future for this area is not to have an occupation force. We still have forces in Kosovo and we still have forces in Bosnia. That is not the goal of this activity. The goal of this activity is to liberate Iraq and give it the ability to restore its government under a concept of free men and women determining their own future.

That means to me that we respond to the request of the President of the United States and give his people the discretion to use this money to the extent it is necessary.

I believe it is now time that we call up the bill. Is it pending?

The PRESIDING OFFICER. The bill is pending.

Mr. STEVENS. Madam President, I would like to address my friend. I don't believe we need control of time now, if the Senator agrees. I will finish my remarks and then yield to Senator BYRD, if that is agreeable. Is there any pending motion which I should make?

The PRESIDING OFFICER. There is none.

Mr. STEVENS. Madam President, I will close.

It is my hope the Senate will also realize the request we have made—I have made it to the leadership on both sides—to take the defense portion of this bill first. The House has not acted upon this bill yet. We will go on recess on Friday. While we are gone, the House will act on it. It is my opinion that the House should know how we feel about the defense side, the $66 billion. We should await their action on the $20.3 billion.

That is to me sort of a division of labor, you might say. We have worked very hard on the defense side of the bill. I believe we have a general agreement of where we are going to come out with it. We presented what we call the chairman's mark in the bill that is before the Senate today. It will be subject to some amendments. I hope Members will cooperate by looking at that portion of the bill first. We will deal with the $20.3 billion when we believe we have completed that review.

I would like to be able to tell the House that we have finished the defense portion and we await your consideration of what you think we should do with the $20.3 billion. They have had some substantial hearings on that side, too. The House held hearings on both portions of this request from the President.

I believe this is a new approach to funding this kind of an operation. It is a new operation. We would be wise to proceed, and when we come back from our recess to have before us then the House bill, to look at what the House bill has done and present our portion of the bill pertaining to the $20.3 billion. Some people may disagree, and some people think we should separate the bill—I know there is that feeling—and delete from the consideration anything that is not strictly defense. I disagree with that.

General Abizaid, who is our commander in chief there in the region,

stated very clearly that he needs both portions of this bill. If we don't have the money for the people of Iraq to proceed to establish their own security, their own military, and deal with their own reconstruction problems immediately, we will need more money to send more troops in there to protect ourselves and to protect the Iraqis. This is a transitional phase which we have in the $20.3 billion. As I have said publicly, it is risky. The President has taken a great risk. There are terrorists loose there. We have to remember Saddam Hussein let loose all of the prisoners from the jails—all of them. He opened the borders of Iraq to terrorists. Those are the people now who are raising havoc in that country. Many of them have been apprehended, but many are still at large. The $20.3 billion is aimed at providing a security base for the Iraqi government to come into being, to deal with security, to deal with antiterrorism, and to deal with restoring the productive capacity of their major resource; that is, the oil.

If it is successful, as has been indicated, by July, we will probably see that Iraq could produce oil somewhere near 3 million barrels a day.

I say parenthetically, Madam President, that in our State, we have produced about 2.1 million barrels a day in the past. We don't produce that now because of the obstruction against us in terms of going into areas where we know we could obtain oil to restore the daily output of our production facilities. We could be back up to 2.1 million barrels a day very quickly, too. The Iraqis are predicted to have even more reserves. I am not sure this is the case. They might get up as high as 6 million barrels a day. I hope for the sake of the world they do. But I am reminded of the fact that when we first started producing oil from Prudhoe Bay in Alaska, the estimate was we had approximately 1 billion barrels of oil. This last year, as the occupant of the Chair knows, we produced our 14th billion barrel of oil. Estimates are estimates. Sometimes they are high and sometimes they are low. But the estimates are that Iraq will be a major producer in the future. I hope that is so because they will have a stable government. They will have a free government. They will have the ability to determine their own future.

We have a chance to explain to them how we treat some of our oil income and how we have created our permanent fund that produces income for every person in Alaska once a year—the shareholders of public development of resources. Prudhoe Bay oil is produced from State lands. The oil in Iraq is produced from the Iraqi-owned government and Iraqi government land. They have a rosy future if they wisely manage their money as they reconstruct their country, and if they have some concept of trying to save part of it and use the earnings to benefit all of their people. That is what we have done in Alaska. It has been very successful. I hope they will be able to do that.

The problem right now is how we get from where we are with substantial force. They are still subject to severe security requirements because of the terrorism. Should we put in more antiterrorist people of the United States in uniform, or from our intelligence services, or should we help the Iraqis get to the point where they can feel they can start to protect themselves, particularly in the areas of the remaining intensity of terrorists?

This bill should pass. We should give the President's people the greatest flexibility possible, much more than we have in the past, because it is for a short period of time. It is for the remainder of fiscal year 2004, for the period of time after the bill becomes law, sometime in October, until the following September. We will know during that period whether their approach will succeed.

One thing is very clear: this Congress will not walk away from Iraq. This President will not walk away from Iraq. We will not withdraw our people from Iraq and leave chaos in Iraq. Clearly, we have the obligation to finish what we started. This is the plan to finish what we started.

Some people want a roadmap, a daily report, with every single aspect of what is going on, producing another request for another report. Do you know what happens to the reports? They get filed in some filing cabinet somewhere, some computer, and no one pays any attention to them.

I will oppose a great many of these reports because we have provided in the bill for quarterly reports, we provided in the bill for continuation of the reports requested in the supplemental for 2003. That is sufficient. To my knowledge, no one raised an objection to what we received so far. I don't know why we should add to that number of reports we require from the people who represent us in both military and civilian agencies in Iraq.

I look forward to debate. It has been strenuous so far. I expect it to get a little more strenuous. Clearly, it is a turning point in the history of the United States. We have followed the pattern of the Caesars. We have gone in and been a liberator and then occupied area and stayed there. Look at Germany, how long we stayed there, and Japan, how long we stayed there: 4 years after the war was over in Japan. Do we want to do that in Iraq? We believe we can reduce that time our military people are there if we follow the proposals before the Senate from Ambassador Bremer who funnels both the recommendations of the State Department and the Department of Defense to the Congress through the President's request in the supplemental.

I remind Members of the Senate Appropriations Committee there will be a hearing in S. 407 at 5 p.m. and we do expect amendments to be offered. I hope there will be an opportunity to have a vote on some of them today although that may not be possible. The President of the United States is signing the Homeland Security bill within an hour to hour and a half. Many of the Members of Congress have been invited to be present. It is my intention to ask the Senate to withhold voting while they are gone. They are at the new Department of Homeland Security. We expect to have a vote sometime around 3:30, between that and the time of our hearing in S. 407. We would not object to a vote during that hearing. We are just right upstairs. From 5 p.m. we will be in the hearing. I will not request we have no votes during that time.

We will not have votes too late because we have an understanding with our colleagues from the Democratic Party who have an event tonight that we have agreed we will not have votes during the time they are at that dinner.

Again, I am asking people to come forward and offer amendments. I urge Members to present amendments to the defense side first, if at all possible. We are prepared, however, for any amendments offered.

I yield to my friend from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, the Senate today takes up the President's $87 billion Iraq war supplemental. This is a massive spending bill that holds vast implications for America's long-term foreign policy objective. It will have an enormous impact on American taxpayers for years to come.

It is a measure that deserves our full attention, our thoughtful consideration, our thorough scrutiny. This is not an issue to be measured by the standard of party loyalty. This is a matter that cries out for solemn deliberation, personal integrity, and intellectual honesty.

I remain concerned that the Senate is acting with unnecessary haste in calling up this bill today, less than 24 hours since it was reported out of the committee, but I compliment the leaders and especially the chairman of the Appropriations Committee, Senator STEVENS, for responding to concerns that I and other Senators have raised. In fact, there is no need for the Senate to act too quickly. The House has not yet even taken up its version of the supplemental. While it is not a constitutional requirement the House act first, it has been customary for many years that the House of Representatives act first. It is smoother and more thorough. It is more reasonable to go about legislating if the Senate lets the House act first so the House bill can be before Senators for their debate and amendment.

The House has not taken up its version of the supplemental. Senators are being asked to legislate on this massive spending bill without the benefit of a committee report, without the benefit of printed committee hearing, without the benefit of the input by other committees such as the Armed

Services Committee, the Intelligence Committee, and the Foreign Relations Committee. The Senate ought to have the printed hearings of the Senate Appropriations Committee. We ought to have the printed hearings containing the testimony of Ambassador Bremer, containing the testimony of Secretary of Defense Rumsfeld, containing the testimony of other witnesses. Why do we spend all of our time in Senate hearings if we do not intend to make those printed hearings available to our colleagues and to ourselves as we go forward with Senate debate? That is one of the tremendous benefits in having hearings so that they will be printed. Why have them? Because they will be printed then, for our colleagues to scrutinize and to help bring back memories of those Members on the Senate Appropriations Committee as to what the testimony was, what the answers were to the questions that were asked.

But here we have been rushed. We have had hearings—some hearings. I asked for more hearings, more than once, more than twice. Several times I asked for more hearings. But even with the hearings that we had, we do not have printed copies of hearings before us.

No, there has been a rush, a mad rush to move forward on this bill. There was some talk about even having the final action on the bill by the end of this week. Fortunately, with the aid of the distinguished chairman, and others, that press for action by the end of this week is no longer upon us. That was an unreasonable expectation. It did not measure up to common sense. And it certainly was not the best thing. Fortunately, that is no longer the goal of the party in control here.

There are many aspects of this bill that trouble me, but what concerns me as much as anything else, or perhaps most, is the fundamental reason that this measure is before the Senate today. American taxpayers have been presented with an $87 billion bill for the military occupation and reconstruction of Iraq. That is a big, big bill—$87 billion. That is $87 for every minute since Jesus Christ was born, $87 for every minute since the water was changed into wine, $87 for every minute since Jesus Christ was born.

That is a lot of money. That is more than $3,000 for every Iraqi man, woman, boy, and girl. Now, think about that. The taxpayers are being asked—the taxpayers of this country are being asked—to shell out more than $3,000 for every Iraqi man, woman, boy, and girl. That is what this bill does.

There are roughly 25 million, we will say, Iraqis. One thousand dollars per each Iraqi is $25 billion. Pretty easy to compute. So $75 billion would be $3,000 per every Iraqi. And $87 billion is roughly, let's say, $3,500 for every Iraqi—every man, woman, boy, and girl.

Now, this is $87 billion on top of the $79 billion which was appropriated in the fiscal year 2003 supplemental passed by the Senate in April of this year.

We are putting upon the American taxpayers a load. This administration, in this bill that we are being asked to pass, is asking the American taxpayers to shell out—in this bill—over $3,000 per Iraqi man, woman, boy, and girl, on top of the $79 billion in the fiscal year 2003 supplemental.

So when you add both of these together, this year we will have—if we pass this bill hook, line, and sinker—we will, in the Senate, have passed legislation requiring the American taxpayers to shell out $6,600 per Iraqi—$6,600 per Iraqi.

Well, the American taxpayers have been presented with an $87 billion bill for the military occupation and reconstruction of Iraq. Why? Because the President decided 6 months ago to launch a preemptive strike on Iraq in the face of very shaky evidence and worldwide opposition—strong worldwide opposition.

We have seen the lengths to which some in this administration will go. Now we learn of retribution efforts aimed at those who tried to correct the zealous propaganda which drove this Nation into war. Now the taxpayer is asked to pay the piper—pay the piper. It is a steep price, indeed, in treasure and in blood.

Much has been made of the fact that we must pass this bill quickly and without question to show our support for the troops. I do not agree. ''Support the Troops'' is a bumper sticker. ''Support the Troops'' is a bumper sticker, a bumper sticker. That is what it is: ''Support the Troops''—a bumper sticker. It is not a foreign policy.

Rubberstamping this bill is not—N-O-T—an expression of support for our troops except in the most simplistic of ways. Rubberstamping this bill merely means that thousands of American soldiers will be sentenced to another year in Iraq, without the Senate even demanding to know why so many United States soldiers need to remain there, how long they are going to be there, or why this President has failed to persuade more nations to send troops to help.

Are we to ask our troops to shoulder this burden alone for another year? Are we to ask our troops to shoulder this burden alone for years to come? When is this administration going to face the fact that we need international help? We want to help our troops. Let's get other nations to send their troops there and, thus, help our troops and help us to bring our troops home. We are certainly not serving the long-term interests of the military by rushing to embrace this bill.

The headline in yesterday's USA Today newspaper sums up the situation succinctly: ''Army Reserve Fears Troop Exodus.'' That was the headline: ''Army Reserve Fears Troop Exodus.'' According to the article in yesterday's USA Today, the chief of the Army Reserves is concerned that the excessive demands on the Guard and Reserves as a result of the war in Iraq could wreak havoc on military retention rates. That is a serious matter.

Last week, another report documented a sharp drop in National Guard recruiting rates. The military decisions this administration is making in Iraq today will have serious long-term consequences on the viability of America's All-Volunteer Armed Forces in the future, not to mention our ability to counter future threats to our own national security.

It is time to face these facts. We are stretched thin. We are stretched thin, and a long United States occupation in Iraq is not wise. Moreover, how are we to exercise proper oversight of $87 billion?

The Wall Street Journal of September 26 states:

> Without a United Nations imprimatur, the Administration has constructed its so-called coalition of the willing in piecemeal fashion, cutting open-ended, individual deals with each country that is willing to send troops—save Britain, which is picking up its own tab. Officials who have seen these agreements acknowledge the deals are notably short on specifics. In most cases, the U.S. will foot the bill for transporting, equipping and feeding troops during their service in Iraq, with no dollar figures mentioned and no cap on costs.

It is not in our Nation's interest to rush this bill through the Senate. By rushing to war based on inadequate, incorrect, or unsubstantiated intelligence, without developing an international consensus, President Bush has undermined the credibility of our Nation. We need to make sure we do not compound that error by hustling this bill through the Senate without adequate scrutiny and consideration.

The $20.3 billion contained in the spending bill for Iraq reconstruction is equally troubling. For months, top administration officials assured the American people that Iraq, sitting atop the second—and possibly the largest—supply of oil in the world, could finance its own reconstruction. Only now do we learn how woefully off the mark the administration was on this count. Only now do we learn that $20.3 billion is just a downpayment—hear me out there—just a downpayment, and that the reconstruction of Iraq will cost as much as $60 or $70 billion or more.

Last week, Ambassador Paul Bremer, the head of the Coalition Provisional Authority in Iraq, told the Senate Appropriations Committee that Iraq could not finance its own reconstruction because it was overburdened with Saddam Hussein's debts to France, Germany, Russia, Japan, Saudi Arabia, and Kuwait. Ambassador Bremer conveniently ignored the debt the United States is incurring in this spending package. The debt the United States is incurring, the additional burden that will be brought to bear upon the American taxpayer by this legislation, Ambassador Bremer ignored that.

The President is insisting we pay for the war in Iraq and the reconstruction

of that nation by plunging our own country deeper into debt. Every dollar we spend in Iraq to avoid increasing Iraq's debt is an IOU we are passing on to our children. Think of it. We are writing a $20.3 billion IOU for this year alone for building a massive new infrastructure in Iraq.

The money the President wants to borrow for Iraq will come directly out of American taxpayers' wallets in the form of Medicare and Social Security surplus receipts. That is your money. We have collected that money from the pockets of American workers, the American workers who gave their sweat in the factories, in the mines, in the fields, on the oceans—the American workers. No one told them they were paying to rebuild Iraq. We don't even know how much of the $20 billion in reconstruction funds will flow to government contractors in Iraq. Estimates range from one-third of the reconstruction funds to almost all of them. Whatever the amount is, we know that the size and the scope of the profits being made will be enormous.

Former Bush administration officials are even setting up consulting firms. Listen to that. Former Bush administration officials are even setting up consulting firms to act as middlemen for contractors hoping to take part in the Iraq bonanza. Are we turning the U.S. Treasury into a grab bag for favorite campaign contributors to be financed at taxpayer expense? Is that why the administration is so reluctant to make concessions that would bring other countries on board?

Instead of redoubling our efforts to spread the burden of rebuilding Iraq among the international community, the President appears content to simply present the bill to the American taxpayers, and to their children.

The stability of Iraq is of concern to nations other than the United States. Could they be resisting helping out because they resent the President's high-handed decision to spurn the United Nations and attack Iraq on his own terms with only meager international support?

There is a donors conference in Madrid later this month. Could we be overbilling the American taxpayers by rushing this package through the Senate now and signing up for $20.3 billion in debt before we even try to make the real accommodations which would encourage other nations to reach into their own pockets?

The package before the Senate goes far beyond asking the Senate to write a check on the taxpayers' account for $87 billion. The package before us asks the Senate to underwrite the long-term democratization of Iraq as some sort of catalyst for triggering the democratization of the entire Middle East. One cannot help but wonder how the United States can single-handedly precipitate the democratization of the entire Middle East when, with all our will and all our might, we cannot even budge the stalled Israeli-Palestinian peace process. How are we going to do it? Where is the muscle?

I expect there will be a number of amendments offered to this supplemental package. I have several I intend to offer. If they are adopted, they will, in my opinion, improve this bill. Whether they will improve it enough to win my endorsement remains to be seen.

I was opposed to the President's war in Iraq before it began. I am strongly opposed to the doctrine of preemption on which the war in Iraq was predicated—the doctrine of preemption, unilateralism, preemption, strike-first, invade first.

I support unconditionally the men and the women in uniform and their families—they are bearing the most direct burden of the war in Iraq—but I remain unconvinced that this bill is the best way to offer those troops our support. I, frankly, think our most meaningful support would be to take the diplomatic steps needed to get help from other nations which will result in getting our troops out of the quicksands of Iraq. That is the way to support the troops. Get other nations in. This bill does not do that.

This bill, in my opinion, sets the United States up for what could well be a prolonged military and financial investment in Iraq. It ignores the hard realities of democratization of totally different cultures. It ignores the religious divisions which inflame the Middle East.

Again, I thank Senator STEVENS for his willingness to accommodate me and others who have expressed concerns with this bill. I appreciate the difficult conditions under which he is working. I look forward to a full and robust debate. I encourage all Senators to focus closely on this bill, listen carefully to the debate, and draw their own conclusions in the fullness of time based on a dispassionate evaluation of the merits of individual amendments.

I will have more to say at a later time. For now, I ask my colleagues to consider carefully the implications of the policies implied in the funding of the bill before us and to give this measure the full time and attention it deserves.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, we have a Senator who is on the way now to offer an amendment. I will be happy to receive that.

In response to my good friend, our senior Member of the Senate, I understand his position fully and I appreciate that he understands mine.

Having been involved in my lifetime in service overseas, I have, since I have been in the Senate, traveled many places in the world to talk to our men and women in uniform. I find that today's group of young men and women who represent us in our military service are the finest I have ever known. I think the job they did in Iraq was outstanding.

I have been privileged to read a whole series of letters that have been written to families by those young men and women. As I have said before today, I have not seen one that indicated any doubt about the work they have done or lack of any sense of real commitment to that job. They have just been really tremendous letters.

It is a different experience to go overseas now and visit these people. They have the Internet. They have tents or buildings where they can literally attend college during part of their days. They have telephone service. They have mail service quite frequently—I am sure not as frequently as they would like.

Going back to my day, I didn't have a telephone call from the time I left home until the time I got back to Hawaii, having spent the better part of 2 years roaming the world. We didn't have the Internet, obviously. We didn't have much mail. Yet we came back with the belief that what we had done was the right thing.

I think these people, when they come home, will tell us that. I think the world will see a new generation of Americans, a different group, educated in a new age, in terms of war, knowing what they are capable of and knowing the horrors of war.

The impact of those people in the future is going to have a great deal to do with our foreign policy. I do believe they know now what it takes to follow on after a war. I can tell you, since I was coming home, I am sure most people from my generation would say the same thing: We didn't think about who was going to rule Germany, or we didn't think about terrorists in Germany or who was going to run Japan; we knew the military was going to do it. They were sending military replacements at the time.

This is not that world. This is a different world now. Those kids of ours are going to come home when we have replaced them with Iraqis who are capable of defending themselves. We are going to move into that age, a rapid reconstruction of that country. This is the way to do it.

It is a lot of money, no question about it. But the supplemental we put up before was primarily for defense. Two-thirds of this money is for defense. I don't know any argument about really the total amount of this. We didn't have arguments in terms of providing for our men and women who were dispatched to win the war. The problem is too often people talking about the whole amount as being the whole amount for reconstruction of Iraq.

That is not true. The major portion of our spending has been because we rely upon a volunteer Army, Navy, Air Force, Marines, and Coast Guard. We have promised them we will go to every degree to support them, to provide them their needs, to see their families are cared for, and particularly to give them the kind of weaponry which will permit them to survive.

As I said in the committee and before the press, in World War I, manpower was expendable. In World War II, manpower was expendable. Even in Korea, manpower was expendable. We do not do that now. We do not have that philosophy as a Government, as a people. We put people in the field to win wars and come home at tremendous cost. We pay that cost, and this bill is for that cost—$66 billion for defense expenditures.

I don't expect to hear too many questions about those defense expenditures because they are necessary to maintain this force. History will show it is probably the most superb military operation in history, keeping in mind how it had to be changed when we no longer could use Turkey for access to the northern part of Iraq, the way it shifted, the command worked—I think the commanders have been sheer military geniuses, and they have done a good job under Secretary Rumsfeld. I believe we should support them, we should take them further, and we should do our best to make certain everything we do is designed to do one thing: to bring those people home; to give them a chance to come home and tell us what they did and, above all, not going into a period of military occupation of this country.

That was not our mission, and I do believe the American people, once they realize what we are doing, will understand why it costs money to fight wars the way we fought this one and to fight for the peace with this supplemental money when it is provided to the administration.

I am informed the Senator who was going to come to the Chamber will not come for another 25 minutes.

I yield the floor. I see the Senator from Illinois wishes to speak.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the chairman. I am happy to come to the floor and speak on the bill which we considered yesterday in the Appropriations Committee, and that is the administration's request for $87 billion for Iraq and Afghanistan.

First, there are items in this bill which I think are very valuable. We were all shocked to learn the Department of Defense had a policy which required those soldiers who were gravely injured and returned to the United States for medical treatment would be charged on a per diem, daily basis for the food they ate at the hospital.

It is my understanding this bill, among other things, eliminates that requirement. Thank goodness. I cannot believe it existed, and it is certainly unconscionable that men and women who have been gravely injured and are going through medical treatment and rehabilitation would be charged extra for the food they are served. I am glad that requirement is removed.

I also salute my chairman, Senator STEVENS from Alaska, for stopping the administration from changing compensation for the military which would have created a very great inequity and a disservice for so many active soldiers and activated guardsmen and reservists who are assigned to locations other than Iraq and Afghanistan.

The administration proposal originally would have resulted in the family separation allowance—the money which we would give them so families can get through this tough time—being eliminated for those serving outside of the Iraq and Afghan theaters. This bill changes that provision. So two Department of Defense policies which did not help our soldiers and, in fact, I think were unfair to them, have been corrected by this bill. I salute the chairman and members of the committee for joining in making certain that happened.

Let me also add, this bill includes about $67 billion for the maintenance of our military in Iraq and Afghanistan. I totally support that effort. I came to the floor last October and voted against the use-of-force resolution, but I feel today, as I did shortly thereafter, that with the beginning of the hostilities, that vote, frankly, should be set aside and we should focus on making certain the men and women serving this country have everything they need to not only accomplish their missions but come home safely. The request from the administration for some $67 billion for that purpose is money that I think should be made available through this Congress, and I totally endorse it.

Of course, there is another portion of this bill, and that other portion relates to the so-called reconstruction of Iraq. That, of course, raises other questions, questions which I don't believe have been adequately addressed by this Congress.

It strikes me as unusual that we are pushing through this $87 billion supplemental appropriations bill on such an expedited schedule that we have not taken the time to ask the hard questions. Keep in mind the $87 billion included in this bill is a sum total of taxpayer spending over and above the total we spend each year on Federal aid to education and foreign aid. So we are putting in this one bill $87 billion and bringing it for consideration by the Senate in a matter of days, when these other items—foreign aid and education—take weeks and months of review and preparation before they come to the floor.

Of course, Senator BYRD has led our side in asking the question: Why do we have to do this with such an abbreviated schedule where we don't take the time to ask the hard questions? When Ambassador Bremer, who serves our country in Iraq at this time, came to speak before the Senators' luncheon 2 weeks ago, I asked him a series of questions about the reconstruction effort.

The first question I asked him was this: If we didn't appropriate a penny, if we didn't give you anything, when would you run out of money for the reconstruction effort?

He said: December 1, maybe January 1, but somewhere in that range.

Clearly, a matter of a week or more to ask hard questions about the reconstruction of Iraq would not create any disadvantage to the efforts of Ambassador Bremer and the efforts on the ground in Iraq. But the administration, the White House, is hellbent on moving this appropriations bill through as quickly as possible.

I went on to ask Ambassador Bremer: If we are putting $20 billion into the reconstruction of Iraq, what is the total cost? What would be the total commitment necessary for us to reconstruct Iraq as you see it? I asked him this question 2 weeks ago.

He said: $60 billion is the total cost. That is the estimate given to us by the World Bank, $60 billion.

I said: The difference, obviously, of $40 billion is unresolved at this moment. Where will it come from?

Ambassador Bremer told us it would come from donor countries that would give money to this effort to rebuild Iraq.

I have to tell you in all candor, as I said to him, all of the coalition of the willing, all of the countries in the world have pledged less than $2 billion. Where are you going to find the remainder?

He said we have to work on that.

Again, we find the Bush administration without a real plan and a real budget for the reconstruction of Iraq. I said to Ambassador Bremer at this point: Can you give me your word and the word of this administration that you will not come back to us and ask for more money than the $20 billion being requested for reconstruction in this appropriations?

He said: That's it, $20 billion; that's it. That is all the United States needs to come up with.

It doesn't add up. You can't put together $20 billion in this bill, $2 billion for the rest of the world and total $60 billion. This could be a bait-and-switch situation, and I think Senator BYRD has raised that point. Once we have invested the first $20 billion, are we likely to leave? The next argument would be: Come on, you don't want to stop. You can't change horses in midstream. Let's finish it out. Let's finish the job, which means more demands on the American people.

I hope you understand the skepticism that many of us bring to this debate is based primarily on actual statements made by the Bush administration about the reconstruction of Iraq.

Do my colleagues recall last year, when economic adviser at the White House Lawrence Lindsey, on September 15, said he estimated that the cost of the war, military and reconstruction, would be between $100 billion and $200 billion? Remember when he said that? As a result of that statement, he was admonished by Mitch Daniels, then Budget Director, who said:

$100 billion to $200 billion is likely very, very high, if it's meant to apply to the cost to taxpayers.

So Mitch Daniels was sent out to admonish Larry Lindsey to not use figures like $100 billion to $200 billion.

I would ask Senator BYRD: If I am not mistaken, did we not first appropriate $79 billion in a supplemental appropriation for Iraq and now we are coming back with the second supplemental request of $87 billion and more to follow? Are we not talking already over $160 billion that is being spent through these supplemental appropriations?

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. In response to the Senator, if I may say, the first action by the Senate was in April of this year when the Congress passed the 2003 supplemental appropriations bill. That appropriated $79 billion. The Senate is now being asked to enact an $87 billion 2004 supplemental appropriation. That is before the Senate today.

Mr. DURBIN. At the moment, the sum total of those bills, if I am not mistaken, if this turns out to be $87 billion, is somewhere in the range of $166 billion?

Mr. BYRD. It is indeed.

Mr. DURBIN. I thank the Senator, our Democratic leader and ranking member on the Appropriations Committee, because it turns out that Lawrence Lindsey was right. He said it was going to cost about $100 billion to $200 billion. He lost his job over that statement. He was asked to leave the administration.

Mitch Daniels, then Director of the Office of Management and Budget, was quoted on December 31, 2002, in the New York Times, as having said then:

The administration's top budget official estimated today that the cost of a war with Iraq could be in the range of $50 billion to $60 billion.

Well, we have blown past that, clearly. As I have noted, we are at $166 billion and counting. The ultimate cost of reconstruction, if it is $60 billion, means another $40 billion has to be found, and there are not many coalition donors willing to step forward with real money, and that is the reality.

The other thing that troubles many of us is that this administration, in justifying the invasion of Iraq, said many things. They said, No. 1, Saddam Hussein is a tyrant who should be replaced. No one argued with that. Everyone agreed. He was a dictator who was cruel to his own people, a threat to the region, and potentially a threat beyond. But then when they started building the case of why we had to do it quickly, before we built a coalition of support, before we brought in the United Nations behind us, the administration said we cannot wait; we have to go it alone; we have to create our own coalition; we have to go outside the United Nations for the following reasons: First, they said Saddam Hussein is developing nuclear weapons. Well, guess what. There is no evidence of that. That was the first thing they told us was the reason for the urgency, to get in there and stop the development of these nuclear weapons. Here we are more than 5 months after the end of military hostilities with no evidence whatsoever. In fact, the statements by the President about this uranium, this yellowcake, coming in from Africa to Iraq, that he made in his State of the Union Address, he has had to say within the last few weeks were just wrong; that evidence was not there. There was no reason to make that statement.

Then they went on to say there is immediacy for this invasion because of the chemical and biological weapons. In fact, it has now been declassified that we had identified 550 suspected sites of weapons of mass destruction, chemical and biological weapons, in Iraq. We are 5 months after the fact, and after thousands of our inspectors have combed all of those sites and others, they have come up empty. Now, Mr. Kay may find some evidence of something, but in the 550 sites of weapons of mass destruction they just were not discovered.

Then there was the argument that not only did they have those weapons but they could launch them in 45 minutes—the word ''launch'' was used—as a threat to the region, as a threat to the United States. That was repeated by Prime Minister Tony Blair as well as this administration, and in fact there is no evidence whatsoever that is the case.

Then the argument was made, wait a minute, keep in mind that Saddam Hussein was part of this grand terrorist conspiracy that struck the United States on September 11, 2001, in concert with al-Qaida. Just 2 weeks ago, the President had to come forward, after Vice President CHENEY had said something very similar, and correct the record and say, no, we have no evidence of linkage between Saddam Hussein and al-Qaida. So here we have a case that is being built for the invasion of Iraq without a coalition that is global, without the support of the United Nations, and we find that the rationale, the arguments for it, have all broken down and fallen apart.

Others raised the question at the time, well, after we win in Iraq, after we have deposed Saddam Hussein, they asked President Bush and his administration, how will we rebuild it? What is the future of Iraq? And that is where the statements started pouring out that are relevant to this debate.

Vice President CHENEY on ''Meet the Press,'' March 16, 2003:

In Iraq, you've got a nation that's got the second-largest oil reserves in the world, second only to Saudi Arabia. It will generate billions of dollars a year in cash flow if they get back to their production of roughly three million barrels of oil a day. . . .

That was Vice President CHENEY pointing to the oil reserves of Iraq as the way they will rebuild their nation.

Paul Wolfowitz, Assistant Secretary of the Department of Defense, the man who is credited with being the architect of this Iraq strategy, the man who was pushing harder than most for the invasion of Iraq even if the United States had to go it alone, stated on March 27, 2003, when asked about the cost of reconstruction:

And on a rough recollection, the oil revenues of that country could bring between $50 and $100 billion over the course of the next two or three years. . . . We're dealing with a country that can really finance its own reconstruction, and relatively soon.

Six months ago, the leaders in this administration were telling the American people they would not have to bear this burden; the Iraqis with their oil revenues will be the ones to bear the burden.

Quoting Secretary of Defense Donald Rumsfeld from March 27, 2003:

I don't believe that the United States has the responsibility for reconstruction, in a sense. . . . And the funds can come from those various sources I mentioned: frozen assets, oil revenues and a variety of other things, including the Oil for Food, which has a very substantial number of billions of dollars in it.

So here we have the leaders in the administration who were categorical in saying that this day would never come, that we would not be on the Senate floor saying to the American people we need billions of dollars for Iraq, saying to the American people we need to add to the deficit of this Nation at the expense of spending for America's schools and America's health care, saying that we need to add to our Nation's deficit and money being taken out of the Social Security trust fund. The administration told us time and time again this day would never come. Yet here we are a few days after, 2 weeks after, and the President tells us this is the only way we can end our commitment to Iraq, the only way we can bring the troops home, to spend literally billions of dollars for the reconstruction of this nation.

Let me give one other quote from USAID Administration Natsios. He works in the Department of State. Mr. Natsios is responsible for the agency that does reconstruction, redevelopment, and rebuilding around the world. That is what that agency does.

The date is April 23 of this year, 6 months ago. He appeared on ''Nightline'' with Ted Koppel. Ted Koppel said to him:

I think you'll agree, this is a much bigger project—

Referring to Iraq—

than any that's been talked about. Indeed, I understand that more money is expected to be spent on this than was spent on the entire Marshall Plan for the rebuilding of Europe after World War II.

Natsios replied:

No, no. This doesn't even compare remotely with the size of the Marshall Plan.

Koppel:

The Marshall Plan was $97 billion.

Natsios:

This is $1.7 billion—

Not $97 billion. Natsios corrects him and says this is $1.7 billion for Iraq.

Koppel says:

All right, this is the first. I mean, when you talk about 1.7, you're not suggesting that the rebuilding of Iraq is gonna be done for $1.7 billion?

Natsios replied:

Well, in terms of the American taxpayer's contribution, I do, this is it for the US. The rest of the rebuilding of Iraq will be done by other countries who have already made pledges, Britain, Germany, Norway, Japan, Canada, and Iraqi oil revenues, eventually in several years, when it's up and running and there's a new government that's been democratically elected, will finish the job with their own revenues. They're going to get in $20 billion a year in oil revenues. But the American part of this will be $1.7 billion. We have no plans for any further-on funding for this.

Six months ago, the Department of State USAID Administrator tells you the sum total of America's responsibility for Iraq is $1.7 billion. And we come today with a bill on the floor that is 20 times that—not quite 20 times that; it is $20 billion to be accurate.

Koppel couldn't believe it:

And we're back once again with Andrew Natsios, administrator for the Agency for International Development. I want to be sure I understood you correctly. You're saying the . . . top cost for the U.S. taxpayer will be $1.7 billion. No more than that?

Natsios says:

For the reconstruction.

That is it. Those are the commitments made by the administration that led us up to this moment in the debate, and it is that point we have reached where we are now debating on the floor a reconstruction bill far in excess of what we ever anticipated.

Because it is in excess, many of us believe we need to step back and acknowledge the obvious. Though the administration and the military may have had an excellent plan for the military conquest of Iraq, they did not have a plan to rebuild that nation. They had no idea what it would cost, and they come to the American people today asking for more money than was ever imagined even 6 months ago by the leaders of this same administration.

I am going to yield the floor at this point because I know Senator BYRD wants to offer an amendment.

Mr. STEVENS. Will the Senator yield?

This Senator is a little confused. I understand the Senator from Illinois to say he is fully in support of the defense money. Yet when he talks about the money he is unwilling to support, he includes it in the total $87 billion.

Are we talking about the $20.3 billion or are we talking about the $87 billion? Certainly the $87 billion, if the Senator from Illinois is consistent, includes the $66 billion which he will support. It would come from borrowed moneys from Social Security trust funds and other funds, that is true.

I think the American public out there is going to be confused about this business, the $66 billion. Is the Senator from Illinois talking about $66 billion? I thought he said he was going to support that.

Mr. DURBIN. I thank the Senator for asking that question, allowing me to clarify, because I want to make it clear, as I thought I had.

When it comes to the money to support the troops, I am there for every dollar. That is why I think Senator BYRD's amendment is so important, so we can—

Mr. STEVENS. Why does the Senator mention $87 billion?

Mr. DURBIN. That is the total cost of this bill, if I am not mistaken. The difference, of course, the $20.3 billion, or $21 billion, for reconstruction. I concede we have to add to our deficit and borrow from the trust fund to support the troops. I will do that and go home and defend it. But when it comes to the $20 billion for reconstruction, this administration is asking 15 or 16 times more than they were asking 6 months ago.

So let's be very clear to the American people. The reconstruction of Iraq, with a total cost of $60 billion, is just getting started with this bill. We are in for the long haul, if we pass this bill as written.

Senator BYRD has an appropriate amendment he offered in committee. Let's separate it. Let's vote for the support of troops. Let's make that clear and get it done. But then, to go on beyond that and the reconstruction, let's address that in the specific terms it deserves.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I sought, in the Appropriations Committee on yesterday, to sever the title that involves the reconstruction money for Iraq and send to the Senate two bills, one dealing with the military funding and one dealing with the reconstruction. I failed on a party line vote.

I am trying, at this time, to do virtually the same thing. I ask unanimous consent that the bill be divided into two freestanding bills, the first including funds for our military in Iraq and Afghanistan and the funds for rebuilding the Iraqi security forces and the emergency designation included in title III, the second bill including the funds for Iraq's reconstruction and the emergency designation included in title III, and that the second bill be laid aside to be considered immediately upon the disposition of the first bill dealing with the funds for our military.

The PRESIDING OFFICER. Is there objection?

The Senator from Alaska.

Mr. STEVENS. Mr. President, reserving the right to object, I wish to state the Senator from West Virginia did offer this amendment. It would have the impact of splitting these two portions of our programs that deal with Iraq and leaving just a portion of the money. As I understand, it would leave $5-plus billion in the fund from the $20.3 billion.

So I really am compelled to tell the Senator that I don't think we can be for the troops, be for helping the troops, and be against the $20.3 billion. So I am compelled to object, and I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. Would the Senator withhold his objection temporarily?

Mr. STEVENS. I do withhold the objection. I am happy to have a dialog on this matter.

The PRESIDING OFFICER. The objection is withheld.

The Senator from West Virginia.

Mr. BYRD. I thank the manager of the bill and chairman of the committee.

Mr. President, the President has asked Congress to appropriate a great deal of money for the occupation and reconstruction of Iraq. But the American people have not yet been convinced that spending this money is the right thing to do. One poll conducted by the Washington Post found that 61 percent opposed spending $87 billion for Iraq and that 85 percent were concerned about our country becoming bogged down in a long and costly peacekeeping mission.

One of the most contentious parts of the President's request is $20.3 billion in reconstruction aid for Iraq. The more details that come out about this aid, the more the American people are uncomfortable with this spending. They are seeking important answers to fair questions. Why can't our allies bear some of the cost? How much money will the administration seek for Iraq after this aid package? What about our needs for reconstruction here at home?

In the 14 days we have had in which to examine the President's supplemental appropriations package, I do not think anyone has come up with the answers to those questions. What we do know is that this reconstruction money will not cover all that is needed to be done in Iraq. Ambassador Bremer, in his testimony to the Appropriations Committee, stated there are $60 billion to $70 billion in reconstruction needs in Iraq over the next 4 to 5 years. Spending $20.3 billion now could leave us on the hook to spend billions more later.

Before we commit our country to this path, we would be wise to seek a consensus and common understanding of the appropriate roles for the United States, our allies, and the Iraqi people in rebuilding that country.

I am offering a unanimous consent request to divide the bill that is before the Senate so we may give close scrutiny to the two distinct issues that are addressed in this bill, the $65.6 billion in defense funding that is contained in title I, plus the $5.1 billion for Iraq's security forces; and the remaining $15.2 billion in foreign aid spending in title

II for Iraqi reconstruction. Each of these elements is deserving of debate on its own right.

The administration is sure to oppose dividing the content of this bill so that the Senate may consider independently the issues of military funding and reconstruction funds. But, why? Perhaps the White House is afraid that its $15.2 billion for Iraqi reconstruction cannot withstand the scrutiny of the full Senate unless it is wrapped up in the guise of support for our troops.

But that has not been administration's argument. We have heard again and again from Ambassador Bremer and Secretary Rumsfeld that the administration views this reconstruction money as every bit as important as the military portion of the bill.

If they are confident in their case, let the Senate divide the bill. Perhaps the administration's arguments will carry the day. But the American people know this is really two bills wrapped into one.

In just a few days, the Senate will go into a week-long recess and our constituents will ask Senators what they are doing to scrutinize the huge amount of reconstruction spending in the bill. The American people want us to deal with reconstruction spending differently than with military spending. We owe it to them to consider the two components of this bill in the most reasonable manner possible by dividing the bill and giving each part the scrutiny it is due.

The task of rebuilding Iraq will be enormous. The American people are beginning to understand this. The United States can hardly afford to bear the costs of reconstruction by ourselves. For this reason alone, we should debate the issue of reconstruction separately from the request the President has made for our armed services. My unanimous consent request is a commonsense approach to proceeding with this debate in the Senate.

Let me again repeat my request.

Mr. President, I ask unanimous consent that the bill be divided into two freestanding bills, the first including the funds for our military in Iraq and Afghanistan and the funds for rebuilding the Iraqi security forces and the emergency designation included in title III; the second including the funds for Iraq reconstruction and the emergency designation included in title III, and that the second bill be laid aside to be considered immediately upon the disposition of the first bill dealing with the funds for our military.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Mr. President, again reserving the right to object, I think the Senator's explanation and the presentation of the Senator from Illinois demonstrates the problem. The poll the Senator has mentioned by the Washington Post polled $87 billion. Yet there is no relevant objection to $66 billion of that money. Why didn't they poll the $20.3 billion? I don't think the American public has been told that $20.3 billion is part of the process that will eventually reduce the military expense and bring our people back.

We have taken the position of a single package—a fund for the military operation, and a fund for reconstruction and restoration of Iraq going on concomitantly so we don't have to go into a period of military occupation.

I think the Senator's amendment is sort of a dangerous thing because it says go ahead with the military operation but we won't give you any money to help to stand up the Iraqi army, or to stand up the Iraqi security force, or to take action to assure the powerplants are working and the oil pipelines are working because we think we ought to wait until there is a government. You cannot get a new government without some reconstruction and without some security and without some mechanism to assist our forces so our forces can draw back and not take over the whole job.

I object to the Senator's request.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. Mr. President, I respect my colleague greatly, and I respect his reasons for objecting to my unanimous consent request.

I have already offered the unanimous consent request to divide the President's supplemental request into portions, one on the $71.5 billion for our military and for Iraq's own security force, and one for $15.2 billion in reconstruction aid. Although there was objection to my request, the American people understand why the issue of security is not the same as the issue of reconstruction. The amendment that I will now offer would strike $15.2 billion in reconstruction aid from the supplemental appropriations bill. This would allow the Senate to proceed with its consideration of $70.7 billion in security-related funding for Iraq, $5.6 billion for the Department of Defense, $5.1 billion for building the new Iraqi army and a national police force, and $1 billion for aid to Afghanistan, and State Department operations. Adopting my amendment would allow the Senate to return to the issue of reconstruction after completing action on the President's request for security-related funding.

In the meantime, the Senate should give more careful consideration to the administration's plan for rebuilding Iraq. We should take a closer look at the plan for postwar Iraq. The plan distributed by Ambassador Bremer to the Appropriations Committee on September 22 adds but 28 pages. The plan provides few details, and it only looks out on the next 5 months of our occupation. However, in the same hearing, Ambassador Bremer said he had a plan that ran to 98 pages and containing 300 or 400 individual action items. That does not sound like the plan he gave to the Appropriations Committee. It sounds as if the Senate does not even have the full version of the administration's plan for the reconstruction for Iraq.

Surely if we are to commit the United States to spending $15.2 billion over the next 12 months, Congress should be able to see the full plan for the rebuilding of Iraq. If it is indeed just the 28 pages that were given to the Appropriations Committee, I think we are in trouble.

If Congress is going to pay for the activities that are called for in the plan to reconstruct Iraq, we should also have a say on formulating that plan. By waiting to approve the $15.2 billion in reconstruction funding, Congress could take advantage of that time to debate the proper role of the United States, our allies, and the Iraqi people in sharing the cost of reconstruction.

The cost of acting without a solid plan for rebuilding Iraq could be very high—well beyond the $15.2 billion in reconstruction funds the President has requested for the next year. We could end up wasting billions of dollars more and losing even greater numbers of American troops. In the words of Publius Cyrus, nothing can be done at once hastily and prudently.

I urge my colleagues to vote to give Congress more time to consider this $15.2 billion in rebuilding aid, and I urge my colleagues to support the amendment.

AMENDMENT NO. 1794

Mr. BYRD. Mr. President, I send my amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1794.

(Purpose: Strike $15.2 billion of the $20.3 billion in Iraq Relief and Reconstruction Funds, leaving $5.1 billion for training and equipping the Iraqi Defense Corps and Iraqi national security forces and for other public safety and justice purposes)

On page 25, line 7, strike ''rehabilitation and reconstruction in Iraq'' and all that follows through page 28, line 15 and insert ''in Iraq, $5,136,000,000, to remain available until expended, for security, including public safety requirements, national security and justice; Provided, That these funds may be transferred to any Federal account for any Federal government activity to accomplish the purposes provided herein: Provided further, That notwithstanding any provision of this chapter, none of the funds appropriated under this heading may be made available to enter into any contract or follow-on contract that uses other than full and open competitive contracting procedures as defined in 41 U.S.C. 403(6).''

Mr. STEVENS. Mr. President, there are Senators who are at the signing ceremony. Can we get an agreement on a time to vote on the Senator's amendment? I would like to see us vote on the Senator's amendment sometime around 4 o'clock. Is that possible?

Mr. BYRD. I am not in a position at the moment to respond to that request, I say most respectfully.

Mr. STEVENS. I thank the Senator.

Mr. President, I thank the Senator from West Virginia for his courtesy in

bringing this amendment forward. It is one of the key issues of this bill. The Senator has offered an amendment. As I understand, it would leave the defense money before the Senate and would strike all but $5.136 billion for the public safety and national security requirements of the proposal presented by the President in the emergency supplemental bill.

In my judgment, this tries to separate just a portion of the problem. The problem that has been brought before our committee is the problem of thousands of Iraqi people who do not have jobs because the economy is not functioning in this triangle where terrorists are. They do not have security. This maintains the money for the security and public safety, but it does not maintain the money for restoring the jails. All the jails were destroyed and all the prisoners were let go. It does not restore the money necessary to proceed with the development of the systems that will lead to restoration of the economy and it does not cover the balance of the money in the plan for this fiscal year. We believe it carries beyond the July period when, hopefully by that time, Iraqi oil money will be flowing at a rate where they can pick up and do the reconstruction and rehabilitation of Iraq.

I am compelled to say I oppose this amendment. It is my hope we can get an early vote on it. It is a significant portion of the problem. Many people came to me as chairman and asked, why don't you take the defense portions separately and take the rest in a separate bill? That is what Senator BYRD tried to do in his previous unanimous consent request. We conferred at length with Ambassador Bremer, with Secretary Rumsfeld, with General Abizaid. They were all before our committee. They all said this process is one of tying together the reconstruction and rehabilitation with our continued military operations with the hope that as the reconstruction moves forward, our people can move out and we can start the process of withdrawing as soon as it starts. That has already occurred. General Pace testified some of our people have already been withdrawn from the areas where we think there has been peace and stability restored. Although those areas do not have a national government, they have local governments that are now functioning. We are providing some security in the background there, that is true. They need that for a little while more.

I firmly believe that if we can get this plan going and have the reconstruction funds go forward with the military operations, there is support for our soldiers there now and assurance that we will go into a period where there comes a time we can withdraw more and more of our forces. The plan the President has presented is a plan that could work. I am not here to say I know it will work; it could work. If it worked, it would be the first time in history this has been done. But there is a substantial chance it will work.

There is another greater question ahead, a question of whether a portion of the moneys should be repaid. We will have to address that question in the near future. I thank the Senator for raising this issue. It is the key issue he attached to a unanimous consent agreement and I opposed.

For those who support the concept, you cannot be for the troops and against the money. We need to assure the troops have the support they should have coming out of the Iraqi people and out of the restoration of their ability to defend themselves and to police for themselves and set up their own new government.

This is the intertwining of these two proposals. I tell my friend I must oppose this. I will ask for the vote to occur sometime soon, I hope, because we ought to get this subject behind us as quickly as possible.

I don't know if the Senator is willing to talk of a time certain. Because of the problem of the signing ceremony for the Homeland Security bill, it will not be possible to have the vote before 4, but I am happy to have the vote at any time after 4 if the Senator is willing to call for a vote.

How long would the Senator from Rhode Island like to speak?

Mr. REED. I will use about 20 minutes.

Mr. STEVENS. He is not speaking on the Senator's amendment, but has his own statement?

Mr. REED. I will make a statement and also concur with the amendment of the Senator from West Virginia.

Mr. KENNEDY. After the Senator from Rhode Island, I would like to speak on the Byrd amendment for 15 minutes. I am happy to accommodate the floor managers if we want to rotate back and forth.

Mr. STEVENS. That can be accommodated with a time limit we are thinking about. Senator MCCONNELL has a sense-of-the-Senate resolution. I hope we establish a procedure where we have an amendment from one side, the other side, and work on a basis of comity when that time comes.

I am happy to yield the floor. I hope we have the dialog as to when the vote will take place in the near future.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Rhode Island.

Mr. REED. I rise to indicate my support for the approach adopted by the Senator from West Virginia. It is clear to everyone in this chamber and to the American public that we will fund our forces in the field. In fact, I am prepared in the next day or so to bring forth amendments to increase the resources going to our troops in Iraq and Afghanistan. It is absolutely essential.

It is also essential we are given the time and the opportunity to look carefully at the reconstruction funds. The Senator from West Virginia has an amendment that allows that. I concur with his amendment.

I will take a broader view at this time of the process before the Senate. As we debate the administration's request for a supplemental appropriation of $87 billion for operations in Iraq, a salient fact emerges. We are committing ourselves to a long-term, expensive involvement in Iraq. We should realistically assume that significant military forces will be committed to Iraq for at least 10 years. The cost of maintaining the forces will not become negligible. Indeed, they are likely to spike even higher at times based on the level of violence and instability.

This reality should also shape our views on force structure. The nature of this insurgency places significant demands on the Army. Without the contribution of additional international forces, the strain on our military forces, but particularly the Army, will be serious. These strains will be reflected in unsustainable operations tempo and heightened demands for military police rather than conventional combat forces. Ultimately, these stresses could seriously erode recruitment and retention.

The administration is increasingly aware of these problems. Last week, Secretary Rumsfeld indicated the Pentagon was preparing for the callup of a large number of Army Reserves and National Guard. This is only a short-term solution at best. Today, the Rhode Island National Guard is in the thick of a fight in the Sunni triangle. The 115th military police company, the 119th military police company, and the 118th police battalion have performed with distinction and sadly have already sustained three soldiers killed in action along with several wounded in action. These are proud and patriotic soldiers who will continue to do their duty.

However, in the face of the probability of repeated callups over the next several years, I am concerned many of these soldiers will leave the Guard rather than face the prospects of repeatedly leaving their families.

Given the escalating costs in both lives and national resources, it is incumbent upon us to ask whether we have blundered into a strategic mistake of the first magnitude.

The first principle of war is: ''Objective.'' In the words of the Army field manual:

> direct every military operation toward a clearly defined, decisive and attainable objective.

The evolving rationale for a preemptive attack began with the assertion that the Saddam Hussein regime had weapons of mass destruction of immediate concern to the United States.

In addition, the administration consistently implied and, at times, overtly asserted that there was a ''terrorist link'' with Iraq. The larger implication was this ''terrorist link'' was tied directly to al-Qaida. Both of these assertions have been proven to be exaggerated.

Now the administration claims we must stay and rebuild Iraq because to

withdraw would be a grievous blow to our power and prestige. This point has merit. But the kaleidoscope of rationales for our operations are anything but ''clearly defined.''

Secondly, our actions should be focused on a decisive outcome. The greatest danger facing the United States is another terrorist attack on our homeland with weapons of mass destruction. One must ask whether our actions in Iraq are decisive in blunting this threat.

Contrary to the President's assertion, Iraq is not the center of the war on terrorism. Indeed, one of the vexing aspects of the war on terror is the lack of a clearly defined center. The al-Qaida threat is international. But, if one were to look for a more lucrative place to strike at al-Qaida, it would be the Afghan-Pakistan border where bin Laden dwells, not Iraq under Saddam Hussein.

When Secretary Wolfowitz testified before the Armed Services Committee, he displayed for the cameras entry documents for jihadists killed in Iraq. He was, once again, trying to make the terrorist connection. However, all of these documents showed that the individuals entered Iraq after March 19, the date hostilities commenced. Now a new rationale may be emerging from the administration: Our operations in Iraq are a giant trap to lure in Islamic terrorists so that they can be destroyed. But this logic misses the point. The jihadists racing to engage us in Iraq are not necessarily the same people who are plotting to strike us here at home. In fact, our actions may have fermented new legions of jihadists with ready access to Iraq. I posed the following question to General Abizaid when he appeared before the Armed Services Committee last week: If there is another terrorist attack against the United States, is it more likely to emanate from Baghdad or from the Afghan-Pakistan border? His answer is instructive:

> Senator, if there is another attack on the United States, it would be organized, planned, and executed through a worldwide network of connections that are borderless. It would be difficult to say where its geographic center would be. There are certainly places on the Afghan/Pakistan border that are semi-havens for terrorists, in the Waziristan area, that the Pakistanis are working to clean up. There are other ungoverned spaces where this is also possible. It is possible that a terrorist group working in Baghdad, or New York for that matter, could organize the attack, so there is no geographic center that I would point to other than to say we've got a lot of cells in a lot of locations that require careful, difficult work to uncover and destroy.

We are in the midst of a global war, but we are disproportionately concentrating our effort in Iraq. Now, I do understand there are significant resources here for Afghanistan, and that is appropriate, because Afghanistan today is in a very precarious position. But a disproportionate concentration of resources are being directed in Iraq when the real existential threat to the United States—a threat that could mean a catastrophic attack upon the United States—is worldwide, diffuse, and disbursed. And one has to question that logic.

While we focus on Iraq, both the North Koreans and the Iranians are marching toward nuclear futures. If these nations obtain nuclear weapons, then the barriers against proliferation will slip even further. Once again, if the greatest threat facing us is nuclear armed terrorists, is our strategic fixation with Iraq justified?

A third aspect of proper military objective is that the outcome must be ascertainable. The administration's stated goal today is to transform Iraq into a market economy and constitutional democracy. Some doubt whether this goal can ever be achieved. It certainly cannot be achieved quickly and at low cost.

The administration has placed us in a predicament where we cannot afford to lose, but winning may have a negligible effect on the existential threat to the Nation, an event with a catastrophic impact on the United States. This could be a textbook definition of poor strategy.

Now the administration comes before us promoting this appropriations bill as a Marshall plan for Iraq. Many of my colleagues have pointed out that this is revisionist history, a term that is frequently used in Washington today. The Marshall plan was not whisked through Congress in a few weeks. It was subject to what the Congressional Research Service described as ''perhaps the most thorough examination prior to launching of any program.'' The CRS added that President Truman ''closely consulted with Congress.'' The authorization was for 1 year, allowing the Congress, again, as described by CRS:

> ample opportunity to oversee the Plan's implementation and consider additional funding. Three more times during the life of the Plan, Congress would be required to authorize and appropriate funds. In each year, Congress held hearings, debated, and further amended the legislation.

I think this comment is in the spirit of the Byrd amendment because the Byrd amendment will allow us at least a small opportunity for that implementation, that oversight, that review that was so present in the Marshall plan.

The Marshall plan differed in significant details from the proposal we have before us. The Marshall plan required a dollar-per-dollar match by the recipient. It was not an unconditional grant from the Treasury of the United States. About 10 percent of the aid was in the form of loans that required repayment. The Marshall plan was based on transparency, not secret contracts to companies favored by the administration.

But it is not just revisionist history; it is highly selective history. If a Marshall plan is the proper economic tonic for Iraq, why aren't our occupation policies after World War II the right security policy?

Former Ambassador James Dobbins and his associates at Rand conducted a careful review of nation-building efforts since World War II. Ambassador Dobbins was President Bush's special envoy to Afghanistan after the defeat of the Taliban. Prior to that service, he oversaw postwar efforts in Kosovo, Bosnia, Haiti, and Somalia. This report points out:

> On V-E day, General Dwight D. Eisenhower had 61 U.S. divisions (1,622,000 men) in Germany out of a total of 3,077,000 men in Europe. These soldiers became the occupation force for the U.S. sector. They manned border crossings, maintained checkpoints at road junctions, and conducted patrols throughout the sector. The occupation was comprehensive and demonstrated the scope of the German defeat.

Our occupation in Iraq is anything but comprehensive and has yet to demonstrate to significant sectors in Iraq the scope of the defeat of the Saddam Hussein regime.

Pressures in 1945 to shift forces to the Pacific theater and to ''bring the boys home'' led to a reduction of our forces in Germany. Nevertheless, we maintained a robust military presence in Germany compared to our current deployment in Iraq.

This chart is illustrative of the comparison of what our forces would look like if we adopted the same policies in terms of troops to population that we did in 1945.

This chart projects the experience in several different nation-building scenarios on the present situation in Iraq. In other words, it takes the ratio of the troops we used then versus population to the current population of Iraq. And it is instructive.

The first blue bar shows the kind of forces we would have if we were adopting anything close to the German approach after World War II. It is literally off the charts. This shown here is the 600,000 troop level. Our troop level is here—this red line—about 142,000 troops.

The next column, in the red, is Japan. It is slightly less than the present troop level in Iraq, but there was a unique feature in Japan. Rather than changing the regime in Japan, as we have in Iraq, we basically co-opted the regime, keeping Hirohito in power, and his presence was a decisive factor in limiting the troops we needed. The next column is the Somalia level. Again, this is a situation in which many would argue insufficient troops caused a tactical defeat on the ground and a strategic retreat which was embarrassing for the United States. It is certainly not the model for peacekeeping.

The next column is Haiti, a situation in which our entry into the country was unopposed. There was very little violence. It was a small country, even though it had a significant population for its size. We turned over our efforts to the United Nations within 2 years.

Instructive are the next two columns: Bosnia and Kosovo. In these two countries, under the Clinton administration, we went in with robust forces.

As a result, there was none of the violence that we anticipated. We have actually made progress, limited I would add, to ensure that there is at least a growing economy and a growing civic culture in these countries—a remarkable difference between the force levels relative to those we have in Iraq.

The final column is Afghanistan, another situation in which the administration has deliberately kept our forces low. Again, we are reaping some of those costs today as we see heightened terror, a rebounding Taliban, the largest increase in production of opium and heroin in the world, at least getting to those proportions, and that is another example.

We can see throughout the course of the next 3 years projected forward where these troops sizes are significant. It raises the question: If the economic policy is the right policy, if this is a Marshall plan, where is the Marshall-like support in terms of troops on the ground?

The administration repeatedly makes the point that stability and reconstruction go hand in hand. They have seized on the Marshall plan to justify this request for billions of dollars but ignore the reality that stability is hard to come by with insufficient forces.

For example, the New York Times reported just yesterday ''that as much as 650,000 tons of ammunition remains at thousands of sites used by the former Iraqi security forces and that much of it has not been secured and will take years to destroy. Meanwhile, insurgents are obtaining huge amounts of weapons and explosives to attack our troops each day. While we wait for international forces or Iraqi security forces, these attacks go on.

Indeed, in the same article, General Abizaid sounded a cautionary note about reliance on Iraqi security. He said:

> There's probably places where we have put Iraqi guards that may be vulnerable to people that would come in and bribe the guards.

There are respected voices that say we do not need more American troops. They say we need better intelligence and international reinforcements to change the appearance of the occupation. But while we wait for our intelligence apparatus to mature and for the arrival of international reinforcements, who will secure the ammunition dumps and the pipelines? Efforts to train Iraqis are underway, but the availability and reliability of these troops is today uncertain.

The administration is quick to brandish the Marshall plan to justify this appropriation. But it is not a Marshall Plan, it is a belated attempt to provide resources for a thinly stretched occupation force while throwing huge amounts of money at reconstruction with the hope that some of it will stick. And this appropriation is the second payment. Congress has already appropriated $74.8 billion in emergency funds for Iraq this year. The demands in Iraq will be significant and persistent. There are more payments to come.

The real question before us is not whether this legislation will pass. The real question is whether the United States can sustain this effort in Iraq over many years. The United States must set a defined, decisive, and obtainable objective in Iraq. Then we must sustain the effort to achieve that objective. To sustain such an objective and such an effort, we must move more aggressively and quickly to secure international support, both military and financial support. This means giving the United Nations a meaningful role in Iraq without ceding our leadership. Without such a development, our attempt to obtain significant military and financial assistance from the world community will be futile.

To sustain such an effort, we must expand our military forces, particularly our Army, so that we can guarantee a predictable rotation of our troops into and out of Iraq and so that we can lessen our reliance on Reserve and National Guard troops. The strain on our ground forces is severe. And because of our reliance on Reserve and National Guard, this strain is transmitted to every town in America. The support of the American people will be continually tested as they see their neighbors serve and sacrifice without relief and with uncertain results.

To sustain such an effort, we must pay for it. It is simply irresponsible to run huge deficits to pay for the operation in Iraq. The cost to our economy in the inevitable rise of interest rates and the dampening of growth and the cost to our society in the deterioration of social investment will not go unnoticed and will be particularly resented if scarce American resources are strengthening the Iraqi economy and improving the quality of life of the Iraqi people.

If we fail in these tasks, money alone, the money in this bill, will not allow us to stay the course.

Finally, we must place the objective and effort in Iraq in context. We must recognize that the existential threats to America are not in Iraq. They are worldwide. Al-Qaida has global reach, and we have not yet finished hunting down and destroying their operatives. The proliferation of nuclear weapons is a worldwide problem with both Iran and North Korea on the precipice. We have yet to develop an effective strategy to counter their nuclear ambitions.

The protection of our homeland is an ongoing challenge. The title of a recent report of the Council on Foreign Relations actively conveyed these challenges: ''Emergency Responders: Drastically Underfunded, Dangerously Unprepared.'' The bill for these dangers still must be paid regardless of what we do with this legislation. We must be mindful of this as we go forward, and we must be honest and candid with the American people. To sustain this effort, we must follow through on the tasks I have suggested. This bill is just part of that effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, today, as has been stated by my colleagues, starts one of the most important debates that we will have in this Congress or any Congress, I believe. And the decision that is going to be made over the next 2 weeks will, in all consequence, be as important as the decision that was made in October a year ago when this body voted to grant the authority to the President to bring us to war, a resolution which I voted against.

At the outset, I want to speak briefly to the amendment before the Senate; that is, the amendment of the Senator from West Virginia separating those items that could be considered reconstruction and rehabilitation, and those items which are directly related to the support of our troops and say why I believe this is so important. That is because we do not have a good idea about what the administration's policy is on the issues of rehabilitation and the reconstruction in Iraq. We don't have the plan of the administration.

I don't say that lightly. I am a member of the Armed Services Committee. Just a week ago we had Ambassador Bremer before us. The members of our committee were sent this document which is called the ''Coalition Provisional Authority, Achieving the Vision to Restore Full Sovereignty to the Iraqi People.'' It is 28 pages long. The cover page says:

> A working document of July 23.

We are now on the 1st of October. We had hearings a week ago. We were given the working document of July 23, these 28 pages. If you review this document about our strategy in Iraq, you will find out on the various pages—take page 9—we will, on the issues of security and giving the goals, August to October, they say in item 4 on that page, locate, secure, and eliminate weapons of mass destruction, from August to October. From November to January, continue to locate and eliminate the weapons of mass destruction. Then, February on, it says continue to locate and secure and eliminate the weapons of mass destruction.

That is the plan. This program is full of those kinds of platitudinous, empty statements and is basically an insult to our troops and to our Congress. During the course of that hearing, the Senator from Michigan asked Mr. Bremer when we would have a more comprehensive document as to what the plan is on the reconstruction and rehabilitation of Iraq. This is his quote on September 25:

> I will keep you informed, but I want to keep my hands free as to how I do that.

That was an answer to Senator LEVIN, the ranking minority member of the Armed Services Committee, when he asked Ambassador Bremer: You have submitted this document to us, which is a working document, July 23. When is this going to be updated? When are we going to get the plan?

He said:

I will keep you informed, but I want to keep my hands free as to how I do that.

And we have not had anything since that time. We had one document and that is the 58 or 59 pages that lists the items requested. It is not a plan; it is a budget. It is a budget on various items that are going to be necessary, but no plan.

The administration and the military knew how to win the war. That was never going to be the challenge or the question. But they have had no plan on how to win the peace. They still don't have a plan to win the peace. The Byrd amendment is trying to separate what is called for in terms of the support for our troops to this rehabilitation and reconstruction, to try to get the administration prior to the time we are going to have a final vote to say what is the plan on rehabilitation, what is the plan in terms of reconstruction. But we have not had that. We have not had it in the Armed Services Committee.

We have the long list of items, some of which I will refer to in my comments, but we still don't have the plan. The fact is, it is being made up every single day over in Iraq. As we consider those reports we all see every evening or morning on the Americans who lose their lives over there, we also haven't got a real understanding of what security is like in the major populated areas of that community. As we are reminded in the excellent study that has been done by Mr. Dobbins and RAND, it talks about how historically those individuals who are subject to occupation view those who occupy their country. Perhaps some start off and support them as liberators, but others will never forgive them for occupying their country.

But there is one powerful factor and force, and that is the issue of security. It is security not just out in the streets and the highways between various communities, but it is what is happening in downtown Baghdad every single day and night. The number of people who are getting killed, the numbers who are coming into the morgues, the break-ins taking place in people's houses, and the rapes taking place in those communities have given a sense of insecurity to the people in Baghdad and many other communities. We don't have a plan about how we are going to deal with this. We are told we are training the police—40-some-odd-thousand police—who were there under Saddam Hussein, the great majority of whom were torturers and exterminators. But we have a new view and we are retraining them in some particular way.

I talked with some extraordinarily impressive young Americans who just came from Faluja. I talked with them in Massachusetts, and they pointed out that the Iraqi police trained in their area won't leave the barracks. They are frightened that if they are seen leaving the barracks, something will happen to them or their families.

As we know, as the very important Dobbins document points out, whether you are talking about Algeria, Northern Ireland, or Malaysia in 1958, or the West Bank, or Kosovo—any of these areas—what you need to do is start to train a disciplined police force, and it takes 12 to 15 months—a new force adequately trained and highly motivated and that can move toward the security issues. That is not the case. We are asked to pour billions of dollars in taxpayers' funds into Iraq.

I think any fair reading of these requests would have to say the overall strategy—whatever it is—is a top-down strategy, not a bottom-up one. What we are seeing in the initial reports coming from Iraq is the areas where they are having the greatest progress is where the stakeholders are buying into the efforts in these local communities. Most of the positive reports are coming as a result of the leadership of the military, many of whom have gone through the campaigns in Kosovo and other parts of the world, where they have seen what can work and what is necessary.

So it is appropriate that we have some opportunity to talk about and ask about this amount of resources that are being requested to go to Iraq. There are a number of questions, obviously, that are going to be raised, such as the whole issue of contracting and who is getting the contracting. What are the circumstances of those contracts? What kind of transparency is there over there? Are we taking these contracts with single-bid contracts, with those who have a questionable record in terms of the performance, and overcharging the Defense Department? Are we giving opportunities for contracts to other countries around the world who have had a relationship and know how to be able to reconstruct and rebuild? Are we excluding them? What are the circumstances of this?

These issues are going to be raised, as they should be. It is not clear from what is coming out from the Appropriations Committee that many of these issues have been addressed. I know they will be by my colleagues. It is not just about the administration's policy and its conduct in Iraq. It is about the way we pursue American interests in a dangerous world, about the way our Government makes one of the most important decisions, whether to send young men and women to war.

It is wrong to put American lives on the line for a dubious cause. Many of us continue to believe the war in Iraq was the wrong war at the wrong time. There were alternatives short of a premature rush to a unilateral war, alternatives that could have accomplished our goals in Iraq with far fewer casualties and far less damage to our goals in the war against terrorism.

I commend my friend and colleague, the Senator from Rhode Island, for once again reminding us what Mr. Tenet, who was head of the CIA, reminded the Armed Services Committee time in and time out—all of last year, up until the period of August—that the greatest threat to the United States was terrorism and, obviously, the increasing concern that all of us have about North Korea, Iran, and the deterioration and spiraling violence in the Middle East.

Our troops deserve a plan that will bring in adequate foreign forces immediately to share the burden of restoring the security and involve the international community in building a new democracy for the future of Iraq.

There is no question the Senate owes it to our men and women in uniform to provide the support they need, to bring the day closer when our troops can come home with dignity and honor, and Iraq will truly be free.

The $87 billion cannot be a blank check. That is why I support the Byrd amendment. Congress must hold the administration accountable. The American people deserve to know how the money will be spent. Things are out of control in Iraq. We need to stop the downward spiral, protect our interests, and protect the lives of American soldiers.

The administration must tell the country in much greater detail what it intends to do with the $87 billion and its plans for sharing the burden with our allies and the United Nations to achieve our goals. The American people are entitled to know whether, with all the current difficulties, the administration has a plausible plan for the future instead of digging the current hole even deeper.

Our soldiers' lives are constantly at stake. Patriotism is not the issue. The safety of our 140,000 American service men and women serving in Iraq today is the immediate issue. It is our solemn responsibility to question, and question vigorously, the administration's current request for funds. So far, the administration has failed utterly to provide a plausible plan for the future of Iraq and ensure the safety of our troops.

In its rush to war, the administration failed to recognize the danger and the complexity of the occupation. They repeatedly underestimated the likely cost of this enormous undertaking. Opposing voices in the administration were ignored.

Last September, the chief Presidential economic adviser, Lawrence Lindsey, said that the total cost of the Iraqi involvement might be as much as $200 billion. His estimate was quickly rejected by White House Budget Director Mitch Daniels who said Mr. Lindsey's estimate was ''very, very high'' and suggested the cost to be a more manageable $50 billion or $60 billion.

I raise this history because in many instances the people who are making the recommendations on the rehabilitation of Iraq are the same ones who miscalculated and misdirected the policy for months in the past. If we are going to take a look at this policy

today, it is only appropriate to see what they had suggested over the past months.

As I mentioned, when Mr. Lindsey was corrected by Mitch Daniels who said Mr. Lindsey's estimate was ''very, very high'' and suggested the cost would be a more manageable $50 billion or $60 billion, the independent analysis indicated the cost might approach $300 billion, and Secretary of Defense Rumsfeld called that ''baloney.''

I say that against the background of what Ambassador Bremer, when he was asked, when he was before the Armed Services Committee, about this $21 billion or $23 billion, whether we could expect they would be back before the appropriators and asking for more billions of dollars, and said: Don't count us out; don't count us out.

The American people ought to understand this is a downpayment for the administration. This isn't the beginning and the end. This is just the downpayment. We have to ask ourselves, What is the policy?

Last spring, as part of a broader coalition in an effort to win the support of the American people for the military, the administration began to argue that Iraq can pay for its own reconstruction. The war might be costly, we were told, but it would be quick and decisive. The financial obligation of the United States would be limited because the liberated Iraqi people would use their extraordinary wealth from the world's second largest reserves of oil to finance the reconstruction.

What the Nation heard from the Bush administration was clear: Don't worry about the cost. Iraq can pay for their own reconstruction.

Here they are a few weeks later with the $23 billion request. People ought to ask: Is this the beginning, the middle, or the end? What is the plan?

As the Congress debates the administration's request, we should be looking for better answers from the administration, insisting on at least minimal accountability. Before the war, the administration said, ''Trust us,'' and Congress did. We should have followed President Reagan's wise counsel from years ago: ''Trust but verify.'' Hopefully, it is not too late to verify.

Until this month, no one in the administration, other than Larry Lindsey, who is no longer in the administration, said the war with Iraq and its aftermath would be expensive. The administration's numbers were worse than fuzzy math, and the American people have a right to be furious about the gross disparity with the true costs. And they will be even more furious as they learn more and more about what we are being asked to fund.

The administration, obviously, did at least have one clearly thought-out plan—they didn't have a plan for peace. They want $400 million for maximum security prisons. That is $50,000 a bed.

They want $800 million for international police training for 1,500 officers. That is $530,000 per officer. Ask any mayor what it costs them to train a police officer in their community.

They want a fund for consultants at $200,000 a year. That is double normal pay. They want $1.4 billion to reimburse cooperating nations for support provided to U.S. military operations. I would love to find out how that money is going to be spent. For what is that $1.4 billion intended?

The Bush administration went to the United Nations for help last week, hat in hand and wallet open. But so far the response from other nations has been: Why should we help clean up America's mess in Iraq?

Presumably, the negotiating is still continuing over how much authority the U.N. will have, how many contracts other nations will receive, and how many troops they will send. Could this be the most embarrassing week the United States has ever had at the United Nations?

Trust but verify. That is why Congress has to stop writing a blank check for Iraq. That is why Congress needs better answers. That is why we need accountability. Credibility on the war is in tatters both at home and in the United Nations, and our troops are paying for it with their lives.

Our action on this legislation may well be a defining moment for the war on Iraq, for the war on terrorism, for America's role in the world. Cut and run is not an option. Hopefully, a concerned Congress and a chastened administration can work together to set things right on Iraq and right with other nations.

If there is any silver lining to this crisis, let us hope it is that the administration's go-it-alone policy toward the rest of the world is history and we are back on a better and less dangerous course for the future.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I rise to make some remarks about the supplemental appropriations measure before us.

I was struck by the concerns of my colleague from Massachusetts about how bad things are in Iraq. In case some of my colleagues missed it, there was a very telling op-ed piece in this morning's Washington Post by Representative JIM MARSHALL, a freshman Democrat from the Third District of Georgia. He went to Princeton and left to go to Vietnam. He was awarded the Bronze Star and the Purple Heart as a Ranger. He attended Boston University Law School and in 1995 was mayor of Macon, GA. He is in the House. He had a very urgent plea.

He said: ''Don't play politics on Iraq,'' directed at his Democratic colleagues. He said he had heard all of these political charges, using the words and phrases such as ''quagmire,'' ''our failure in Iraq,'' ''just another Vietnam,'' or ''the Bush administration has no plan.''

He said:

> I went to Iraq a couple weeks ago to resolve for myself the recent contrast between gloomy news coverage and optimistic Pentagon reports of our progress. My trip left no doubt that the Pentagon's version is far closer to reality. Our news coverage disproportionately dwells on the deaths, mistakes and setbacks suffered by coalition forces.

I think this op-ed is worth reading. Madam President, I ask unanimous consent that this op-ed be printed in the RECORD after my remarks for the edification and elucidation of my colleagues.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BOND. Madam President, I just came from a very interesting luncheon meeting where we listened to Dr. Chalabi, a member of the Iraqi Governing Council. He had almost the same thing to say. He said: What President Bush has done is magnificent. Our people are victorious; they are not vanquished. Our failure is that the media is not carrying the stories. The antiwar folks who opposed the war from the beginning are talking about the problems of liberation rather than the success of a free people.

He would like to have a chance to tell his story more widely, and I hope he is listened to. He said there are large areas of Iraq where marines are withdrawing, turning the area over to coalition forces from other countries, Macedonia and Spain. He said the Iraqis are in the process of being trained and equipped to go out as police and as military. With the backup of U.S. troops, they will be able to take on more of the responsibilities of defending against armed paramilitary groups and maintaining peace and order.

He said this is a tremendous development. They are setting up a free market in Iraq. They are cutting customs rates and tax rates. I would like some of my colleagues to hear what he says about the need for lower taxes. I think that is important as well.

It is clear we are in a debate. I gather my colleagues on the other side of the aisle, while we all recognize that $87 billion is a lot of money, they are willing to support the $66 billion to support our troops in Iraq. It costs us more than $4 billion a month to maintain our troops in Iraq, and we cannot, as was just said by my colleague from Massachusetts, cut and run.

So what are we going to do to make sure we do not continue to have areas where terrorists are harbored in hostile, tyrannical, authoritarian governments in the Middle East? Well, we are on the path to helping the Iraqis establish a free country. Their ideas of freedom may be different than ours, but basically Iraqis governing Iraqis, providing security for Iraq, and helping us weed out the criminals, the thugs, the paramilitary groups and the terrorists who live over there.

Now, $21 billion of the President's request is proposed as a grant to help the Iraqis get on their feet. This is a very

important investment. It is a lot of money, but when we look at the costs of 9/11, the cost was horrifying in human terms. Over 3,000 people killed, some of them horrible deaths. It is a day and a picture that none of us will ever forget and we never should forget. These terrorists operated out of safe havens, in countries which were ruled by authoritarian tyrants. We are wiping out those governments. Under President Bush's leadership, we wiped the Taliban out of Afghanistan. Afghanistan is no longer a safe haven for terrorists. By a vote of 77 to 23, we said clean out the terrorists in Iraq, get rid of the Saddam Hussein government. That is the most important step.

Some people want to go back and fight the war. If we want to get back into it and say, why did we go, we can go back into that, but I think it is time we started looking ahead to see what we do. The $21 billion is absolutely essential to give the Iraqis the startup funds, the seed money to build that free and safe country.

What do we gain from it? Some of my colleagues say it ought to be in the form of loans or we should not spend that much. Well, what we get for it is the opportunity to bring our troops home sooner, to make sure our troops have the ability to work with Iraqi military and police, so we can use the Iraqi people who understand the country and know the language and know what is going on there as our allies.

As I understand it, the pending amendment leaves money in for the troops, but it does not leave money in to restore the electricity, to provide clean water, or to clean up the sewage.

There is a lot that has been done in the country already. I hear carping voices saying we did not have any plans for the peace. Well, we had a lot of plans. We had plans to take out Saddam Hussein's Republican Guard and his elite forces before they used gas or biological weapons. We did it. They had plans to protect the oil wells so they could not turn Iraq into a blazing inferno, and we did that. We had plans to help the Iraqis get on their feet. In less than 5 months, virtually all major Iraqi hospitals and universities have been reopened.

We cleaned out the weapons caches that were there. There are now 70,000 Iraqis being armed and trained. The first ones are graduating the end of this week. It took 14 months to establish a police force in post-war Germany, 10 years to begin training a new German army. We are way ahead.

Commerce is opening up. Five thousand Iraqi small businesses have been opened since liberation. The independent central bank has a new currency announced in just 2 months. Here is a 5 dinar note from the Central Bank of Iraq. The reason I can read it, it is in English. The other side, I will just have to take their word for it. This is the currency they have put out. It took them 3 years in Germany to do it.

The Iraqi Governing Council is making decisions. We listened to Dr. Chalabi tell us what they plan to do, how they want to move forward, and how the participation by the United States in this next step is vitally important.

To date, our coalition has provided some 8,000 civil affairs projects with their assistance, and we are making progress towards showing the Iraqis and the people in the neighboring countries that there is a better way to do it than to have a Saddam Hussein regime.

The issue before us in this pending amendment is whether we cut reconstruction funds by two-thirds. This was similar to an amendment we debated yesterday in the Appropriations Committee. That amendment just cut out two-thirds of the reconstruction funds, left one-third of the reconstruction funds. We defeated that. This one cuts out all of the reconstruction funds.

The arguments made there, and I guess I will let the people who want to cut out the reconstruction funds make their arguments here, but they say we ought to go to the donors conference and let the donors decide.

What kind of leadership is it for us, on the Senate floor, to take the President's proposal for a $21 billion reconstruction fund and cut it to $5 billion? That is leadership? Is that going to cause other countries to step forward and say we are going to make grants?

We want to see a strong, independent, free Iraq. We have to turn on the power. We have to turn on the lights. As of yesterday, I believe we were back up to the power generation of the pre-war era, 4,400 megawatts. That still only supplies about 60 percent of Iraq. We are trying to get the power restored. We are trying to get the water clean so people do not get sick. We are trying to get the sewage cleaned up so they can go about the business of building a civilized government.

Some are saying we can use the oil revenues to collateralize. Well, that does not really work because there is no government in Iraq that can sign a loan. They cannot take out a loan at the World Bank. They have not established a constitution, which is a necessary precedent for making an international loan. If we called it a loan, Ambassador Bremer, our representative on the provisional governing authority, would have to sign it. It would be our loan. We would be making that loan.

They have over $200 billion of debts outstanding that I hope they will never pay. The interest on those loans would be more than swallowed up by the projected oil revenues. So they are in a position where there is no practical way that they can repay that.

Once we get them up and started and they get a government, then they can go to the World Bank and get loans pledged against future oil revenue, and they can get the capital, but we have to get them over that first hump. Unless and until we do that, there is no government, there is no security. The Iraqis are not controlling their destiny. We cannot expect them to carry new burdens of debt. They are going to have enough trouble as it is. And we hope to get the oil production up—6 million barrels a day. That is what Dr. Chalabi said. But it is going to require $38 billion of new investment to do it. That is where the collateral will be pledged to get the Iraqi oil production up.

Do we want to go in and say the reason we came to Iraq was for your oil? That is not why we went. That is not why we went. We went to stop the production of weapons of mass destruction.

The previous administration, President Clinton's administration, and our colleagues on the Democratic side of the aisle, said that, time after time. We went in to stop weapons of mass destruction, to bring some order out of a country that had been terrorized by a ruthless tyrant over the years. Do we want to go in now and tell the people of the Middle East that it really was about oil? We want a claim on your oil?

That would be extremely shortsighted. That is not a sound investment in peace.

When you take a look at the cost of our maintaining troops over there, the cost of another terrorist attack, the cost we are going to have to face if we do not bring peace and stability to a couple of major countries in the Middle East—Afghanistan and Iraq—we are going to spend a lot more time and shed a lot more American blood before we can see an end to this terrorist war.

President Bush said the war against terrorism will be a long one. Unfortunately, he was correct. We are going to have to ''bear any burden, pay any price.'' I believe a well-known Democratic President once said that; I think he was from Massachusetts.

We have to carry on the battle to show the people of the Middle East that there is a better way to protect our people from terrorist attacks.

There is no question that the battle against terrorism is being fought in Baghdad. There are a lot of questions about what went on before. There will be a report coming out of our Intelligence Committee on that. I can't go into it, will not go into that until a report is issued. But I can tell you right now, when you apply the ''show me'' test that we take in Missouri, the battle against terrorism is going on in Baghdad.

It is like a roach motel. All the terrorists are coming into Baghdad. We have our best trained, we have our best equipped, we have our best prepared troops. We are working to get the best intelligence possible so we can destroy the terrorist cells, kill the terrorists, capture them as many as we can.

We are fighting the battle in Baghdad rather than Boston or Boise or Baldwin, MO, or Burlington, NC.

This is unfortunate, where we have to continue the battle on terrorism. But we are doing it on their territory and our terms. They started this war

on our territory on their terms. This is a mark of genius. This is tremendous leadership that this administration has shown. I am proud that three-quarters of this body supported the President when he said we needed to go in and clean out this nest of vipers, this fountainhead of weapons of mass destruction with the potential of nuclear weapons.

We have won the war against Hussein's government. Now we need to win the peace. I am convinced we can win the peace. But I believe, as Ambassador Bremer said to us in the Appropriations Committee, as Secretary Rumsfeld said, this $21 billion is the best hope we have of assuring we win the peace in Iraq. Winning the peace in Iraq is vitally important.

We can't walk away now and leave Iraq to fester and let the Baath Party back in again, the remnants of the Republican Guard, the terrorist organizations who threatened their neighbors, oppressed their own people, and threatened our well-being and safety over the years. We cannot let them back in. This $21 billion is the best investment we can make to bring our troops home, to win the peace.

I hope we will have a strong vote not to try to cut the peace element out of the appropriations bill, moneys that are necessary to make sure we can have our troops there, protect our troops, and maintain order against the terrorists who are in Iraq.

I yield the floor.

EXHIBIT 1

[From the Washington Post, Oct. 1, 2003]

DON'T PLAY POLITICS ON IRAQ

(By Jim Marshall)

My first trip to a combat zone occurred in 1969. I was a 21-year-old staff sergeant, naive as hell, a freshly trained Army Ranger who had left Princeton University to volunteer for ground combat in Vietnam. I vividly recall feeling way out of step with my Ivy League colleagues.

Well, that same out-of-step feeling is back. But this time it's about Iraq and involves some of my professional colleagues, political leaders and activists who are carelessly using words and phrases such as ''quagmire,'' ''our failure in Iraq,'' ''this is just another Vietnam,'' or ''the Bush administration has no plan.''

I went to Iraq a couple of weeks ago to resolve for myself the recent contrast between gloomy news coverage and optimistic Pentagon reports of our progress. My trip left no doubt that the Pentagon's version is far closer to reality. Our news coverage disproportionately dwells on the deaths, mistakes and setbacks suffered by coalition forces. Some will attribute this to a grand left-wing conspiracy, but a more plausible explanation is simply the tendency of our news media to focus on bad news. It sells. Few Americans think local news coverage fairly captures the essence of daily life and progress in their hometowns. Coverage from Iraq is no different.

Falsely bleak Iraq news circulating in the United States is a serious problem for coalition forces because it discourages Iraqi cooperation, the key to our ultimate success or failure, a daily determinant of life or death for American soldiers. As one example, coalition forces are now discovering nearly 50 percent of the improvised explosive devices through tips. Guess how they discover the rest.

We not only need Iraqi tips and intelligence, we need fighting by our side and eventually assuming full responsibility for their internal security. But Iraqis have not forgotten the 1991 Gulf War. America encouraged the Shiites to rebel, then abandoned them to be slaughtered. I visited one of the mass graves, mute testimony to the wisdom of being cautious about relying on American politicians to live up to their commitments.

For Iraqis, news of America's resolve is critical to any decision to cooperate with coalition forces, a decision that can lead to death. Newspaper start-up ventures and sales of satellite dishes absolutely exploded following the collapse of Saddam Hussein's regime. With this on top of the Internet, Iraqis do get the picture from America—literally.

Many in Washington view the contest for the presidency and control of Congress as a zero-sum game without external costs or benefits. Politicians and activists in each party reflexively celebrate, spread and embellish news that is bad for the opposition. But to do that now with regard to Iraq harms our troops and our effort. Concerning Iraq, this normal political tripe can impose a heavy external cost.

It is too soon to determine whether Iraqis will step forward to secure their own freedom. For now, responsible Democrats should carefully avoid using the language of failure. It is false. It endangers our troops and our effort. It can be unforgivably self-fulfilling.

Democratic candidates for the presidency should repeatedly hammer home their support, if elected, for helping the Iraqi people secure their own freedom. It is fine for each to contend that he or she is a better choice for securing victory in Iraq. But in making this argument, care should be taken not to dwell on perceived failures of the current team or plan. Americans, with help from commentators and others, will decide this for themselves.

Instead of being negative about Iraq, Democratic presidential candidates should emphasize the positive aspects of their own plans for Iraq. Save the negative attacks for the issues of jobs and the economy. Iraqis are far less likely to support the coalition effort if they think America might withdraw following the 2004 election.

Finally, no better signal of our commitment to this effort could currently be provided than for Congress to quickly approve, with little dissent or dithering, the president's request for an additional $87 billion for Iraq and Afghanistan. Of course no one wants to spend such a sum. But it is well worth it if it leads to a stable, secular representative government in Iraq, something that could immeasurably improve our future national security.

Mr. BIDEN. Madam President, I listened with great interest to my friend from Missouri. There is much that he had to say with which I agree. Except I wish we would, as they say in my home State—he was using Missouri phrases—I wish he would get real and others would get real about the connection between the likelihood of America's being struck by another terrorist attack and our fighting in Baghdad.

I don't know one security expert who will tell you, including, as quoted by Senator REID earlier today, General Abizaid, that the folks we are fighting in the streets of Baghdad and in Iraq are the ones most likely to strike the United States of America. That is not what our officials tell us.

General Abizaid said, and I am paraphrasing him, that any attack would be organized internationally. It will come from other places. As a matter of fact, the argument can be made, because of a requirement of being so preoccupied and having to devote so many resources to Iraq, we are unable to spend the money we need to spend on homeland security.

For example, we have 106 nuclear powerplants, none of which are secure, in the United States of America.

We have train tunnels in New York where 350,000 people today will ride through them sitting in a car. Those tunnels are not secured; there is no escape, no ventilation, and no lighting.

We are cutting the police program, so we are not going to supply money for local law enforcement. It is not going to be a special forces guy with night vision goggles who is going to come across a terrorist who is about to poison the reservoir in a city or about to plant a bomb in a movie theater or about to do anything else—it is going to be a local cop.

That is not the reason I rose to speak today, but I wish we would get it straight about terror. In the larger sense, we have to deal with the war on terror by dealing with the situation in the Middle East. I don't disagree with that.

As was said in an article written not too long ago by Timothy Ash and how the west could be won, I quote him:

> To emerge ultimately the victorious against the war on terrorism it is the peace we have to win first in Iraq and then in the wider Middle East.

In the broad sense of the word, it is affected by what happens in Iraq. But the idea that because we are fighting in Baghdad, we are not likely to be attacked again in the subway, or an aircraft, or whatever, because they are preoccupied is as our British friends say, poppycock.

Many Members in this Chamber and millions of Americans did not support the war in Iraq. The same goes for the millions of people around the world. But I did. I voted to give President Bush the authority to use force in Iraq. For me, the question was not whether we had to deal with Saddam Hussein but when and how, and what we were going to do after we brought him down.

I believed then and I believe now it was the responsibility of the United States and the international community to enforce the solemn obligation Saddam Hussein made when he sued for peace in the gulf war in 1991. Those of us who understand the value of international institutions and rules must also understand that when rules and institutions are flouted, they must be defended, and by force if necessary. That was, in my view, the underlying rationale to go to war in Iraq, a rationale enhanced by the fact that the one flouting the rule was a homicidal tyrant who murdered hundreds of thousands of people and who, if left alone, would have eventually acquired weapons of

mass destruction, although he had none and there was no evidence he had any. But he would have gotten those weapons. That was the reason—not some idea of preemption. We didn't need a new doctrine of preemption to go after Saddam Hussein. He violated essentially a peace agreement he signed in 1991. Had it been 1919 when he was defeated in Kuwait, he would have been in Versailles, in France, signing a peace agreement. Instead, he was representing the United Nations and he signed on to United Nations resolutions, none of which he kept and I believe needed to be enforced.

But I also believed then, as I believe now, that this administration got the when and the how and the what we do the day after dangerously wrong in Iraq. This administration wrongly painted Iraq as an imminent threat to our society, something many of us at the time—not just now—said was not the case. It hyped the intelligence most likely to raise alarm bells of the American people. In speech after speech, television appearance after television appearance, the most senior administration officials told us Iraq was on the verge of possessing a nuclear weapon.

Indeed, at the same time I was on a show, the Vice President on a similar show on a Sunday told us Iraq had reconstituted its nuclear weapons program. I didn't believe then, I don't believe now, and there is no evidence that that is true.

We are told that Iraq had UAVs—unmanned aerial vehicles—that could drop lethal payloads on our shores—payloads of chemical and biological weapons; that Iraq could weaponize its chemical and biological arsenal in just 45 minutes; that the regime had a clear and present tie to al-Qaida, and they implied that they were complicit in the events of 9/11—none of which I believe to be true. Yet I still voted to go into Iraq because it wasn't about if but when we dealt with this guy.

The administration stated each of these allegations as accepted facts when in fact there was deep debate on each and every one of them within our own intelligence community. I believe the administration did this to create a false sense of urgency about the need to act immediately and that as a result we went to war too soon.

There is no reason we could not have waited a month or even 6 months or whatever time it took to build a true international coalition without in any way jeopardizing American security. And we went to war without the rest of the world.

As many of us said at the time—and the record will reflect—we didn't believe we needed a single soldier from another country to win the war. I stood on this floor and said I thought we would win this war in terms of defeating Saddam's government in much less than a month and maybe as little as 2 weeks. I said it at the time. My fight was never with the need for other troops to help us fight the war. But it was absolutely clear from every expert we spoke to in my committee and folks on the Council on Foreign Relations, folks from Rand, folks from all over this country who are experts on foreign policy, that we were going to need other countries to win the peace—to win the peace—which was going to be considerably harder.

Just to put in perspective what we all know, we have had 313 men and women killed, 1,600 wounded—138 to win the war and 175 dead just starting to win the peace.

On this floor I said if we did not have the support of the international community, somewhere between 2 and 10 body bags a week would be coming home. But this unilateralism, this idea that we didn't need anybody else, was not only misplaced but, for some in the administration, arrogance.

So we went to war with the Brits and a coalition—a coalition which was the most anemic coalition with whom we have ever gone to war, after the Brits; the one without the rest of the world. And as many of us said at the time—and I wasn't the only one. Senator LUGAR said it; Senator HAGEL said it; a number of other Republicans said it—we didn't need a single soldier to win the war, but we needed tens of thousands of soldiers to secure the peace—tens of thousands.

The chief of the Army got sacked because he dared to suggest we were going to need a couple hundred thousand troops to secure the peace when Mr. Rumsfeld—or at least the administration—was implying we wouldn't need more than 30,000 folks and we would be out of there in 6 months.

Just as bad, we went without a plan for the day after.

Don't just take my word for this. Keep in mind that I have been supporting the President, and I will support this appropriation. But there was no serious planning. General Garner said he didn't begin planning and wasn't asked until January 6. I was chairman of the Foreign Relations Committee, and we held hearings in July of 2002. And witness after witness after witness—former Commanders of NATO, former Commanders of CENTCOM—said the plan for peace should be running parallel with the plan for war. During those hearings, we wanted to know what was going to happen not just the day after but the decade after.

The President, I am told, has told people and I have told people. He asked me in front of a half dozen of my colleagues in the Cabinet Room back in September why I wasn't with him enthusiastically about going in and why I was insisting on him going to the United Nations. I went in the Oval Office with him and said, Mr. President, I want to remind you there is a reason your father did not go to Baghdad. And he looked at me like I was going to insult his father, for whom I have great respect. I said, Mr. President, the reason your father didn't go to Baghdad, he didn't want to stay for 5 years. Are you ready to stay? Obviously, I did not say it in that tone to the President but I asked, Are you ready to stay, Mr. President?

What was the impression given to the American people? The impression was Johnny and Jane were going to come marching home by Christmas. Why are you National Guard folks so angry? Is it because you are not patriotic? Why are the reservists so angry? Is it because they are not patriotic? Heck, no, they are angry because they were led to believe it was not going to cost much, it was not going to take long, and we would be out of there.

Mr. BOND. May I ask if the distinguished Senator from Delaware will yield for a unanimous consent request?

Mr. BIDEN. I am happy to yield.

Mr. BOND. I ask unanimous consent the vote in relation to the Byrd amendment No. 1794 occur at 3:45 today; provided that no amendments be in order to the amendment prior to the vote; provided further that following the vote, Senator MCCONNELL be recognized to offer an amendment. I further ask consent that following the disposition of the McConnell amendment, the next amendment in order to the bill be offered by Senator BIDEN.

Mr. BIDEN. Reserving the right to object, I was told it would be 4:45. I've been waiting for 4 hours to speak and I have at least another 30 minutes to speak. If it is 3:45, I would object.

Mr. REID. How about if we made it 4 o'clock.

Mr. BIDEN. This is fine.

Mr. REID. Mr. President, I ask the distinguished Senator from Missouri amend his request to allow that.

I know Senator SMITH is here to speak. How long do you wish to speak?

Mr. SMITH. Ten minutes.

Mr. BIDEN. I don't think I will take this long, but so I don't get called on it, I will say half an hour.

Mr. REID. Mr. President, that will be 10 minutes before 4 o'clock, so I ask if my friend would be further kind enough to allow Senator BIDEN another 30 minutes, Senator SMITH 10 minutes, Senator BOXER 8 minutes, and then we would vote.

Mr. BOND. Madam President, I so amend the request.

The PRESIDING OFFICER. Is there objection to the modified request?

Without objection, it is so ordered.

Mr. BIDEN. Madam President, my committee, the Foreign Relations Committee, pleaded with the administration, month after month, beginning well over a year ago, to share with us plans for reconstruction. We got obfuscation upon obfuscation, a rosy scenario about oil revenues and being greeted as liberators, with most of our troops coming home by Christmas.

When we really pressed—a certain word has worked its way into the lexicon of this administration—we were told the answer was ''unknowable.'' I have never heard that word used as many times anywhere, let alone by the administration.

In fact, the problems and prescriptions of postwar Iraq were absolutely knowable. From the many hearings Senator LUGAR and I convened over this year as well as the Armed Services Committee, and the work of our leading think tanks and policy experts from within the administration itself, thanks to the State Department Future of Iraq Project, whose detailed postwar plans were apparently ignored by the Department of Defense, much of this was knowable.

We are paying a very high price for those mistakes now. I share the widespread dismay at the miscalculations of this administration. I share the shock of many that the reason the administration says it took us to war, weapons of mass destruction, no longer is of any apparent interest to the most senior administration officials. I share the frustration of Members of Congress that because of the administration's many miscalculations leading up to war, the good options are gone and we are now left to find the least bad of the remaining options.

I understand the sticker shock many of my colleagues feel about the $87 billion. I suspect my friend from Oregon, who was on this committee, I know for my friend Senator LUGAR, I know for my friend Senator HAGEL, I know for my friend Senator MCCAIN, it came as no shock, none whatever.

To be blunt, the reason there is such consternation in the Congress and the country at the moment is not about the $87 billion, notwithstanding that is an enormous amount. It is that we have lost faith in the President. It is that we lost our confidence in his ability to prosecute the peace. It is that we have great doubts since there were so many fundamental miscalculations made about what would happen after the regime fell. There is reason people are upset in the Senate. They doubt this administration has its act together.

My Republican friends will deny what the whole world knows publicly and privately acknowledge there is a giant rift in this administration as broad and as deep as the San Andreas Fault. On one side of the administration there is Mr. CHENEY, a fine man, Mr. Rumsfeld, Mr. Wolfowitz, Mr. Feif; on the other side there is the State Department and the uniformed military.

Think about this one little piece, talking about the plan. What was the plan announced in great detail by Mr. Rumsfeld as to what would happen immediately after Saddam fell? There was guy named Jake Garner, a retired general, who was going to be dropped into Iraq along with a guy named Ahmed Chalabi, whom I know well, spent an hour with him alone in my office last night, the head of the Iraqi National Congress, that Garner announced when he hit the ground there would be elections within a couple of months and that he was going to run the show.

How long did it take the President to figure out that was a gigantic mistake? About 2 weeks. And he should be complimented for it.

All this malarkey about the planning, where is Garner? Where did he go? What happened to the election that was going to take place in a couple months?

The administration got on the ground and realized they did not have a plan. So they got a guy named Bremer, first-rate guy, diplomat. Guess what. That diplomat does not report to the Secretary of State; he reports to the Secretary of Defense. Isn't that kind of interesting?

Assume we have gone in and the planning post-Saddam was as successful as the planning to take down Saddam. Assume we had gone in and the international community was doing what they do in every other circumstance where we are building the peace: We usually supply 25 percent of the money, they supply 75 percent of the money—Bosnia, Kosovo, even Afghanistan, NATO is now in. Assume we were not losing Americans at the rate we are losing now. Assume this guy named Bremer, a former official at the State Department, former comptroller, sent to Iraq by the Secretary of Defense, did not come back and say the window of opportunity to win the peace is closing rapidly in Iraq. Assume he came back and said, the window is wide open. We have time and things are moving. Would people in the Senate be flyspecking the $87 billion? No.

My friend from Missouri has been in politics as long as I have. Presidents get pretty broad support when what they propose is working. What is happening here—and again, keep in mind, I'm for this money. But I am angry about what happened. I am angry about the refusal to listen. I am angry that we are there alone when we did not have to be.

The administrations's assumptions were dead wrong, and the President told the American people our mission was accomplished when he landed on that aircraft carrier. And it had not even begun. It has not even begun. And you wonder why the American people are mad. You wonder why, when you go home—and those of us who supported it going in are getting our brains kicked in at home—Democrat and Republican, we are wondering why the polls show—what?—57, 58, 60 percent of the American people say: Don't vote for this money.

The reason is, they were not leveled with. It seems to me that explains why there is so much concern on both sides of the aisle about this supplemental. That explains why it is so important that we do more than simply vote yea or nay on this $87 billion, why we need to have clear assurances from this administration that it understands—not acknowledges—just understands its mistakes to date and has a sensible plan to rectify them.

So for all the errors of the past, we must confront the reality of the present and the imperative of the future. The reality of the present is that the window of opportunity is closing on our ability to bring peace to Iraq.

As I said, that is not just my conclusion. It is the conclusion of the former Deputy Defense Secretary, John Hamre, who was sent there by the Defense Department. The imperative of the future is that we cannot afford to lose the peace in Iraq.

Losing the peace in Iraq is not about terror alone. It is so much bigger than that. Losing the peace in Iraq would condemn the United States to deal with the consequences of Iraq: chaos, not just in more terrorism but what will happen.

If we lose Iraq, Iran becomes an incredibly empowered nation; Syria becomes more emboldened; Turkey, an Islamic government, seeing a failed state on their border, becomes more radicalized; Iran, surrounded by the failed states of Iraq and Afghanistan, puts in jeopardy the very existence of Pakistan.

Doesn't it occur to you a little bit why all of a sudden the accusations are the ISI is cooperating with the Pastun warlords in southern Afghanistan? These guys have figured it out. They are hedging their bets. They are hedging their bets. And if the Musharraf falls in Pakistan, we are not talking about an Iraq, we are not talking about an Afghanistan, we are talking about a nuclear power that my friend on the Intelligence Committee knows, as well as I do, is seething—seething—with terror. There is a whole province in northwestern Pakistan that is totally uncontrollable, where most people think bin Laden is and Omar is, that they will not go in and we cannot go in.

So I wish to heck we would stop this stuff about: We are fighting terror in Baghdad. We are, but it is so much bigger than that, and the American people have not been told it.

So we cannot afford to lose the peace.

I will make another outrageous prediction. If we lose the peace in Iraq, you will see at least two of the following countries fall—Jordan, Egypt, or Saudi Arabia. How will King Hussein stand with Iraq in shambles? How will that happen? How will any voice of moderation be willing to speak up anywhere in the Middle East if Iraq falls? And you know why Iraq may fall, beyond our mistakes? Because we have not leveled with the American people, and they may very well say: Bring the boys home.

I know my colleagues think I am a broken record on the Senate floor saying this so many times, but the one thing we all learned from the Vietnam generation—no matter whether we were for or against it, went or did not—is that no foreign policy can be sustained without the informed consent of the American people, their informed consent before we act.

In short, losing the peace would reinforce the view held by the extremists in the Arab and Islamic world that while the United States can project

power, we have no staying power, and that all they have to do is wait us out.

It would confirm the concerns of many moderate Arab regimes expressed before we went to war with Iraq that we would not finish the job.

I think it is fair to say I met with every Arab head of state as chairman of the Foreign Relations Committee. I traveled to the region; I traveled to Afghanistan; I traveled to northern Iraq—all before the war. I did not meet one Arab leader who defended Saddam Hussein. Yet I did not meet a single one who said anything other than what I am about to paraphrase: If you go, make sure you finish the job because if you do not, I am dead.

Our credibility in Iraq and the region and across the globe will be at rock bottom if we do not successfully secure the peace. America and Americans will be far less secure to boot.

We have to show the wisdom and the commitment to help Iraq write a different future so we can have a different future. And this supplemental request is critical to that effort. We have to succeed in transforming Iraq into a stable, unified country, with a representative government. And success in that effort would begin the process of redrawing the strategic map of the region. It could boost the reformers in Iran, Saudi Arabia, Egypt, and elsewhere who have put Syria and its allies and Hezbollah on the defensive, and improve the climate of Israeli-Palestinian peace. It would deal a significant setback to those who argue that the only future for Arabs and Muslims is one of religious extremism, perpetual conflict, economic stagnation, and autocratic governments.

So we are faced with a real choice. I say to my colleagues who opposed the use of force in the first place, who believe there is nothing this administration can do to win the peace, and who have concluded that the dire consequences I have just predicted if we cut and run are outweighed by the consequences of being dragged down into a long, protracted war, I respect their vote to say no. I disagree with them, but I respect it.

I have concluded that the peace is winnable but not without a change of attitude and direction on the part of this administration.

I am convinced that winning the peace is possible if the President keeps to the new course he seemed to set two weeks ago when he finally addressed the American people.

He vowed to make Iraq the world's problem, not just our own, by going back to the U.N. and seeking support of its members for troops, police and money.

And the President began to level with American people about the hard road ahead to win the peace in terms of time, troops and treasure.

If he sticks to that course, tells us how we are going to pay for the $87 billion, and shows us a clear and coherent game plan, I believe we should give him, and all of us, one last chance to get it right in Iraq.

Since the President addressed the Nation, I have to admit I have been given many new reasons to be skeptical that the administration has genuinely changed course.

The President's speech to the U.N. missed a crucial opportunity to rally the world to our side, just as he missed opportunities to get the world with us before the war and in its immediate aftermath.

He should have made clear our willingness to bridge the differences with our allies on a new U.N. resolution and to grant the U.N. real authority. He should have laid our some specifics, and asked—asked—for help.

So I am left questioning the sincerity of the President's midcourse correction.

If we want the world to share the burden, we have to share authority in Iraq in meaningful way.

The payers want to be players.

And I can't believe we can't find a compromise that meets our rightful concerns about the premature transfer of power. But that also empowers the U.N. and starts to put more power in the hands of the Iraqi people.

I am also skeptical that the President will continue to level with the American people about what it is going to take to win the peace. Being open and honest about the commitment we must make to Iraq is the only way to sustain public support. But the administration's approach to the supplemental concerns me on this account too.

The administration itself estimates the total cost of reconstruction in Iraq to be about $60 to $70 billion over the next 4 to 5 years. And I and others predict the final tab will be higher still.

The supplemental request covers $20 billion of that total. That begs a critical question: Where is the remaining $40 to $50 billion coming from? Will it come from the international community? Normally, that would be a reasonable expectation. The United States typically covers about 25 percent of postconflcit reconstruction costs. By that ratio, we could expect about $60 billion from the international community for Iraq.

But we so poisoned the well in the lead up to this war and in its aftermath that no one expects the international community to provide more than $2 to $3 billion at the donors conference next month. That is a terrible indictment of our foreign policy and a harsh example of the price of unilateralism.

Will the missing money be generated by Iraq's oil revenues? That is what the administration led the American people to believe, and unfortunately even some Members of Congress now believe that is true.

In fact, if we are lucky, oil exports will generate about $14 billion next year—just enough money to pay for the government's operating costs and salaries for public sector workers, the police and the army. Forget about oil paying for reconstruction.

Will the missing money be generated by others parts of the Iraqi economy? Secretary Rumsfeld recently promoted the potential of Iraq's tourism industry. The banks of the Tigris may replace the Outer Banks as a destination of choice someday, but not any day soon.

Or maybe the missing money will come from taxpayers when the administration comes back to Congress next year or the year after to ask for more. If that is the plan, tell us now.

For today, this Congress must deal with the money that is being requested.

Let me be clear, we must invest more in the effort to secure the peace in Iraq. I support the supplemental request. It is necessary and it is in our national security interest.

But that does not mean we should accept it on its face. The large number of proposed amendments to the supplemental are evidence that Republicans and Democrats alike don't have the confidence to take the administration at its word.

We need to build in strict reporting requirements—the kind Senator LUGAR and I tried to add to the original congressional authorization to use force.

We need to know how the administration will pay for this supplemental. We need to know how the money will be spent. And we need to see a coherent, detailed plan for success.

The first critical question that must be answered is: How are we going to pay for this $87 billion? It seems to me there are three options: We can turn the money for reconstruction from a grant to a loan, to be recouped from Iraq when its economy gets going again. That sounds attractive. Why shouldn't the Iraqis pay for their own future.

But here's the problem. Iraq already owes the international community a crippling amount—some $200 billion in debt and compensation claims. Adding to that debt will add to the dead weight holding back Iraq's recovery.

The creditors are mostly European and Arab countries—the very countries we are encouraging to contribute more to Iraq's reconstruction. And we are lobbying them to forgive or reschedule the debt Iraq owes them.

How can we add to Iraq's debt, put ourselves first in line to be paid back, kick the other creditors out of line—and ask them to contribute more and assume our debt? It won't work.

Second, we can do what the President is proposing: add to the deficit, which is already close to $600 billion and pass along the bill to our children and grandchildren. That, to me, is unacceptable.

Or third, we can call on the patriotism of the American people, and ask them to help finance the $87 billion the President has asked for. The President was right in saying that success in Iraq requires all of us to sacrifice. But he

squandered the opportunity to rally the most fortunate among us to the cause to help provide for our troops and meet the goal of achieving security and stability in Iraq.

The bottom line is: The President doesn't seem to have a plan to pay for troop support and reconstruction in both Afghanistan and Iraq. After squandering an annual Federal budget surplus in excess of $200 billion upon taking office, and running up annual deficits estimated at nearly $500 billion in less than 3 years, it would be fiscally irresponsible for this administration to pass on the cost of our security to our children and grandchildren. That gets it exactly backwards.

We must step up to pay for our own security and that of future generations. In fact, as the President said in his State of the Union Address:

> This country has many challenges.
>
> We will not deny, we will not ignore, we will not pass along our problems to other Congresses, to other presidents, and other generations.
>
> We will confront them with focus and clarity and courage.

In keeping with that view, the most obvious, fiscally responsible approach is to reconsider a small portion of the $690 billion tax cuts targeted for Americans with incomes in the top 2 percent—people with incomes exceeding $360,000 and averaging $980,000 per year.

Cutting taxes responsibly in the middle of a jobless recovery, especially for the middle class, makes good sense. But never has any administration summoned Americans to war and, at the same time, pushed through the biggest tax cuts in history, all in the face of already historically high deficits.

The result is a mixed message to the American people, who are left to wonder: How can we wage the fight against terrorism without paying any price? In fact, the administration's thinking reflects a woeful misunderstanding of the character of the American people.

I this post 9/11 period, Americans have been waiting to be asked to do great things for this Nation.

Two years after that dark day, we have yet to tap into the surge of patriotism deeply felt by every American. Imagine if the President's address to the Nation had included the following request:

> To all of you in the top one percent—those fortunate Americans whose average income is more than $1 million a year . . .
>
> I am asking you to forgo a small part of your tax cut.
>
> Instead of getting $690 billion of cuts, you will have to make do with only $600 billion in cuts so we can pay for peace in Iraq, security in Afghanistan, and the war against terrorism.

Would a single American watching on television have said: ''No way. That's not fair.'' Of course not.

Reducing a small part of the tax cuts for those in the top 1 percent of income will have no bearing on an economic recovery. But it would restore a sense of national purpose and unity that is our country's greatest strength.

I hope the President will support an amendment to do just that—a bipartisan amendment to the supplemental that Senator KERRY and I will offer, along with Senators CHAFEE, CORZINE, and FEINSTEIN.

I think Americans would support the idea of paying for this mission from the $1.8 trillion in tax cuts enacted in the last 3 years.

Let's look at the numbers. Americans in this bracket make, on average, $1 million a year. They are being asked to give up a single year's worth of their $690 billion 10-year tax cut, and do it gradually.

For example, in a single year, 2008, the tax cuts going to the top 1 percent will total $87.7 billion—virtually the same amount of money the President is requesting.

In my view, the most fortunate Americans surely would respond favorably to such an idea. What we are saying is: They are no less patriotic than anyone else. But also they have the best ability to contribute because their tax cut is so much greater than everyone else's.

The top 1 percent will get a cumulative 10-year tax cut of nearly $690 billion. What I am proposing leaves them with a $600 billion tax cut. That is clearly not punitive. If someone proposed today that the richest 1 percent get a tax cut of $600 billion, it would sound outrageous given the circumstances we now face, with growing deficits, and growing security needs.

In making this proposal, I am not arguing about the fairness of that distribution. I have already stated my position on that when I voted against the tax cuts. But, whatever one thinks of the fairness of the tax cuts themselves, it is clear which Americans are in the best position to give up a small part of what they are getting to pay for our mission in Iraq. And that, unfortunately, is the price we have to pay for the unilateral foreign policy and the missed opportunities of this administration.

If we give the administration the money it is seeking for Iraq's reconstruction, it must give us a clear and coherent plan for succeeding where it has failed so far.

The No. 1 priority must be to inject a sense of urgency to our efforts. I don't want to minimize how hard this is, nor do I want to minimize the successes we have already achieved: Standing up the Iraqi Governing Council, opening schools and hospitals, establishing local councils across the country. But all of this progress is jeopardized by our failure thus far to get it right in two fundamental areas: security and basic services.

If the Iraqi people do not soon see their living conditions improve, they will begin to turn against us. Once that happens, the insecurity we are seeing today will look mild by comparison.

In my judgment, there are five urgent priorities in Iraq.

We need a detailed gameplan to address them. And that plan should be developed in close consultation with the Iraqi Governing Council.

First, we must improve the security situation on the ground for our soldiers and for the Iraqi people. Over time, an Iraqi army can and should take the place of our troops. But it will take time to train such a force 1, 2, 3 years.

In the meantime, the best way to take some of the heat off of our forces is to bring other countries in on the deal.

That is one reason a new U.N. resolution is important. If we had done this right from the start, we would have been able to secure 60,000 or 70,000 foreign troops. I doubt we will get more than another 10,000. But every single foreign soldier helps.

For Iraqis, law and order has broken down in large parts of the country, especially in Baghdad and central Iraq. Murder, carjackings, theft, and rape are taking place at an alarming rate. Criminal gangs are organizing at a rate far faster than we are fielding trained Iraqi police.

We have heard a lot of talk about whether the number of foreign military forces on the ground is adequate. What does not receive nearly enough attention is the urgent need to recruit international police forces to train and work alongside the Iraqi police. Our own officials tell us that we urgently need over 5,000 international police to train and patrol with Iraqis. We should have deployed them over 5 months ago when Baghdad fell. We should have started recruiting them 12 months ago, just as President Clinton personally got on the phone to world leaders to recruit police months before we went into Haiti. Yet, to my knowledge, less than 10 percent of the international police forces we need are on the ground.

Only Iraqis can effectively police Iraq. They know their country better than any foreigner. But we also know that the police under Saddam were corrupt and sadistic. They maintained order through fear and coercion. We have to start from scratch in recruiting and training an Iraqi police force. But that effort can't occur on a large scale until we get trainers in from abroad. And we can if the President builds an effective coalition, if he reaches out to our allies, and recruits those forces.

The second priority is to restore basic services—particularly electricity, water, and telephone service.

Ambassador Bremer set the end of September as a deadline for restoring electricity to its prewar level of 4,400 megawatts. This is enough to meet about two-thirds of countrywide demand.

While falling temperatures will ease demand in coming weeks, toward the end of October, the month of fasting or Ramadan will begin. Iraqis will expect to have electricity available during the evening meal when they break their fast. If they don't, we should expect their discontent to grow. It will take huge investments to bring the electricity grid up to the level where it can

meet full demand countrywide. Ambassador Bremer estimates $13 billion. Another official in Baghdad puts the price tag at a total of $21 billion.

The third urgent priority is a strategic communications plan. The United States has the most advanced media industry in the world, yet we are being beaten on Iraqi airwaves by the likes of al-Jazeera and Iranian TV and radio. The messages these outlets are broadcasting do not cast the United States in a positive light.

The quality of our broadcasts in Iraq makes public access TV look good. It is hard to imagine succeeding in Iraq if we cannot succeed at getting our message out.

Few Iraqis have a sense of the priorities, plans, and progress of the United States. We need to communicate effectively and directly with them. They need to hear us acknowledge their problems. They need to hear us describe our plans for fixing them. They need to hear timetables. It is not that complicated.

Our fourth urgent priority is helping to rebuild Iraq's economy. The Iraqi economy is broken. It was destroyed by 35 years of mismanagement, wars, sanctions, and extensive looting that followed Iraq's liberation. It will take several years to recover.

Unemployment is over 60 percent. By contrast, at the height of the Great Depression, our unemployment was just over 25 percent. A hot, poor, unemployed, and well-armed population is not a good combination. We need to get people off the streets and involved in their country's reconstruction.

The final priority is to establish a clear timeline for handing power back to the Iraqis. There is a legitimate debate going on with the French over the pace of ''Iraqi-ization'' and the timing of elections. All of us want to see sovereignty restored to Iraq as quickly as possible. But none of us want a process that is so rushed that it ends in failure.

Today, the best organized forces in Iraq are extremist religious groups and ex-Baathists. They have the most to gain from early elections.

Building a strong, democratic center and the institutions of civil society will take time. We should seek a compromise at the U.N. that creates a representative—perhaps partially elected—body that would draft the new Iraqi constitution by early next year. That constitution should be put before the people of Iraq in a referendum, and elections should follow by next summer.

The administration should submit a detailed plan with specific benchmarks and timelines in each of these areas I have mentioned.

The administration also must show us that, in working toward these goals, it will spend the tax payers' money wisely. I have looked closely at the budget request, as have most of my colleagues. And we have a lot of questions. To cite just three examples:

Why does the administration propose to spend $33,000 apiece for pickup trucks when you can get a new pickup here in the U.S. for $14,000? Our Iraqi friends deserve AC—but not leather seats and a CD changer.

Why does the administration propose to spend $10,000 per student for a month-long business course—more than double the monthly cost of Harvard Business School?

Why does it propose to spend $50,000 per prison bed—double the average cost in the U.S.?

The bottom line is that we have an obligation to closely scrutinize the President's request, to ensure we spend taxpayer dollars wisely and effectively. But we must face up to our foreign policy and national security obligations as well. We cannot meet our national security needs on the cheap, or by playing off domestic constituencies against our need to get it right in Iraq.

The stakes are too high, and an entire region's future—one that is critical to America's security—is in the balance. Let's not take our eye off the ball. Let's do the difficult thing, but the right thing.

Madam President, I just sum up by telling you what is in my heart. We have three stark, basic choices. It is real simple. Given the facts—the fact is, it is going to take years to build, not a democracy, just a representative republic in Iraq. Never in history—never in history—even in countries with a tradition of western values and democracy, has a representative democratic government been built in a short amount of time—never. I challenge you to challenge your staffs to give me an example where that has occurred.

So, No. 1, it is going to take a long time. It is going to take tens of billions of dollars beyond this. Mr. Bremer has begun to level, and level first with us. He says after this $20 billion downpayment for reconstruction, it is a minimum of $50 to $75 billion more—more—over the next 4 years or so to do the essentials, to rebuild Iraq. Other think tanks have said it is $100 billion. The World Bank says $75 billion or so. That is another essential fact.

The third fact is this country has never been a country—never. It was the outgrowth of a deal made after World War I. So we are putting together not a Germany, which was heterogenous, not a France, not a defeated or victor in the last war, or big war; we are putting together a country that has never been a country, other than held together by a dictator or an autocrat or a colonial power. It is going to take a lot of time.

Here is where we are. It is very simple. It is going to cost—everybody knows—billions of more dollars beyond this supplemental. It is going to take thousands of somebody's troops beyond those that are there. And it is going to take a long time.

The choices are clear. We continue in our unilateral ways to take 95 percent of the casualties, pay 99 percent of the bill. One of the things my colleagues know is that the Poles are being paid for by us. God love them, they are there; we are happy they are there. Those other 20 nations are being paid for by us, but for Great Britain. So we get 95 percent of the deaths. We pay 90 percent of the bill, and we take 99 percent of the responsibility. That is one option.

The second option is—and which I predict this administration will do if this does not go right—declare victory and leave and see chaos ensue. Some Democrats will suggest that. Some in the administration will suggest that.

Or there is a third option. We get someone else to pay the bill with us. We get someone else to pay.

There is a fourth option that is not a real option. The Iraqis could pay. Let's get this straight about Iraqi oil. No one before the war or after the war is predicting in the next 5 or 6 years there will be more than an excess of $5 to $10 billion a year to be able to pay for reconstruction after the cost of paying for the government. Read Bremer's report. So this is poppycock about Iraqi oil will pay our way out.

We are left with the last option: We get the rest of the world to jump in the tank with us. At the beginning of this process, the President tried to importune the Indian foreign minister to send a division. The Secretary of State and others said we are likely to get that. The Turks were talking about a division. We were looking for 50 to 60,000 troops. Guess what. They ain't coming, folks.

Here is the deal, and it is real simple. The President can genuinely internationalize this by sharing not only the responsibility but sharing the authority. We continue to act like Iraq is a prize we won. We continue to challenge the world to help us.

I went to the head of the European Union not long ago and I said: Javier, what do we have to do to get your help?

He looked at me, held my shoulders, and said: Joe, ask. Not demand, not challenge, ask. Ask. Ask.

There is not a major newspaper in America that didn't think the President of the United States blew that opportunity when he recently spoke to the United Nations. I am beginning to doubt—and I hope I am wrong—that the United States is genuinely sincere about the U-turn he has made and wanting to engage the international community. I pray he means that.

Mr. BOND. Will the Senator from Delaware yield for a question.

Mr. BIDEN. Surely.

Mr. BOND. I am taken with the world view and the view of the peace by the Senator from Delaware, but when he talks about the United Nations, as a member of the Foreign Relations Committee, I wonder if he recalls this discussion with the Secretary of State: Last week you engaged in tireless diplomatic efforts to seek such unity against Iraq. Oddly, other members of the Security Council continue to indulge the fantasy that Saddam would suddenly begin listening to reason.

Members of Congress do not share that delusion. We look forward to receiving the President's recommendations with regard to the need to use force to contain, if not destroy, Iraq's capability to produce weapons of mass destruction.

Is my colleague familiar with that?

Mr. BIDEN. I think you are quoting one of the most articulate men who has ever served in the Senate. I wonder who you are talking about?

Mr. BOND. I am referring to the distinguished Senator from Delaware—

Mr. BIDEN. I thought that is who you were talking about.

Mr. BOND. Who I understood made this statement to the Foreign Relations Committee.

Mr. BIDEN. The Senator is absolutely right. If he wants to read the rest of the statement, he will point out we in fact should have continued to try to get the rest of the world to come along after the fact. Can you imagine if the President of the United States had said, the day after the statue of Saddam fell, if he went on national television and made the following speech: My fellow Americans, I tell you that our fighting men and women have bravely defeated the present government, but we have much to do. It will cost billions of dollars and take tens of thousands of troops for the foreseeable future. Toward that end, I am going to ask our valued allies who disagreed with us, whose democratic processes I respect but they disagreed with us, to now step in and help us, ask them to participate in rebuilding Iraq and share the responsibility of forming a new government and dealing with the aftermath of Saddam. Toward that end, I have convened a meeting with Mr. Chirac, Mr. Schroeder, the European Union, et cetera. What do you think would have happened?

But what did we say? We said the same thing we said in Afghanistan. When the French offered to send 5,000 of their marines, when Schroeder risked a vote of confidence by one vote, he succeeded in voting for sending 1,000 German marines to Afghanistan, Mr. Rumsfeld and company said: We don't need them. And they stiff-armed them.

Senator LUGAR and I contacted the President and said: Please, please accept their forces.

We don't need them. We don't need them.

Technically we may not need them. But I would argue that is the nadir of diplomacy that I have witnessed in this body, and I am now the seventh most senior Member. The diplomacy has been so incredibly ham-handed that we have to continue this foolish response. We have hamstrung ourselves in a way that makes it almost impossible to do what everybody on this floor knows we need to do.

It is real simple. If you think we can secure the peace in Iraq all by ourselves without anybody else's help, then have at it. Go to it. I don't know any reason why Bremer should not be dual-hatted like we are in Bosnia. I don't know any reason why we should not be saying to the French, the Germans, the European Union, and the U.N., you help us form this government. I don't know any reason why we didn't have them in there in the first place, beginning the electoral process, why we stiff-armed them. I don't get it.

I do know the result. Whether you agree with me or not, somebody has to pay the bill. All my friends who don't like international institutions, all my unilateralist buddies who like to eat freedom fries and engage in their little pettiness, have fun, but go home and explain to your people why only Americans are dying. Go home and explain to your people why only American taxpayers are paying the bill. Go home and explain to your people why we have close to 200,000 troops in the region and 140,000 troops there. Bravo. Bravo. Aren't we tough.

It is about time we wake up. By the way, I will be seeking the floor later today with an amendment. This President has come along and said: We need $87 billion and, by the way, just add it to the deficit. Add it to our tab. Put it on the tab. Our kids will pay for our security.

So the budget deficit is going to approach $600 billion. Can anybody name a time for me in American history when a President took us to war and, after taking us to war, a war that I supported his going to, said: It is going to be a long sacrifice, and, by the way, here is the largest tax cut in the history of the United States of America, as we go?

Can anybody name any time in American history when that has ever happened? Isn't it kind of strange?

So, Madam President, I will not take the time to talk about how we should pay for this now. But I will suggest—is there any time left?

The PRESIDING OFFICER. There are 2 minutes 24 seconds.

Mr. BIDEN. Madam President, to me, this is real basic. If we want people to share the burden, we have to be willing to have people share the responsibility. Why does the administration propose—by the way, we have every right to look at the details of this $87 billion.

Why does this administration propose to spend $33,000 apiece for pickup trucks when you can get a brand new pickup in the U.S. for $14,000? Our Iraqi friends deserve AC—but not leather seats and a CD changer.

Why does the administration propose to spend $10,000 per student for a month-long business course—more than double the monthly cost of the Harvard Business School?

Why does it propose to spend $50,000 per prison bed, which is double the average cost of a U.S. prison bed?

The bottom line is we have an obligation to closely scrutinize the President's request, to ensure that taxpayers' dollars are spent wisely and, most importantly, that this administration has changed its course because literally the future of our children is at stake if they don't get it right.

I thank my colleagues and I yield the floor.

Mr. FEINGOLD. Madam President, today I have voted in support of Senator BYRD's amendment to strike $15.2 billion in reconstruction aid from the supplemental appropriations bill. I supported this amendment not because I oppose the overall intent of some of this spending—helping Iraqis establish order and setting the country on a path to stability and development—but because it is clear that there has been insufficient planning and insufficient explanation as to how this $15.2 billion in reconstruction assistance would be spent.

This portion of the request needs careful consideration and, frankly, this portion of the policy desperately needs improvement. It makes sense to sever this portion from the rest of the request to allow for that process without delaying action on all of the issues before us.

Mr. BINGAMAN. Madam President, I rise today to explain my support for Senator BYRD's amendment No. 1794 to S. 1689. While I support funding the reconstruction of Iraq, I believe in the necessity to consider these two very important issues funding for Iraqi security and Iraqi reconstruction separately.

The purpose of the Byrd amendment was to separate the reconstruction portion from the security portion of S. 1689. Had Senator BYRD's amendment passed we would have been able to take immediate action on the security portion of S. 1689 and passed that portion before we left town this week. We could have then, upon our return, looked more closely at the President's request for reconstruction funding and taken the time to give thorough scrutiny to the administration's request and better examine the ways in which we are prioritizing the spending requests of this bill.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Madam President, I failed, and it is certainly my oversight—prior to a vote on the Byrd amendment, the managers should be recognized. They have both agreed to 8 minutes each.

I ask unanimous consent that the managers have 8 minutes each prior to the vote on the Byrd amendment.

Mr. STEVENS. Reserving the right to object, that is on the Byrd pending amendment?

Mr. REID. Yes.

Mr. STEVENS. To occur now?

Mr. REID. Yes, but first Senator SMITH will speak, and then Senator BOXER will speak for 8 minutes, and you and Senator BYRD will have 8 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Oregon is recognized.

Mr. SMITH. Mr. President, before my friend Senator BIDEN leaves the floor, I tell him that I think he is on the wrong

side of short-term politics, but he is on the right side of history to support the President's request for $87 billion. He has made many points where the administration could have done this or that better. Some of them are valid.

I think it is important that we remind ourselves what this is really all about. What are the bigger issues at play here? I have believed throughout my life as a child of the cold war that American foreign policy is something to be proud of. Born in the early 1950s, I remember the nuclear bomb drills, where we would get under our desks and practice how to survive a nuclear bomb. I remember great leaders such as Eisenhower, Kennedy, Nixon, and then Reagan, standing up for the principles of the American Constitution at home and abroad.

I ask myself, what are the values of the American foreign policy? I believe they are the spread of democracy. I believe they are the defense of human rights. I believe they are the expansion of prosperity and engaging in trade. The world doesn't need to fear the United States of America as long as those values are intact. I believe they are very much intact. When I came to this body in 1997, I was privileged to serve on the Foreign Relations Committee with Senator BIDEN. I remember during the Clinton administration a feeling that our foreign policy was very well intentioned, but there was uncertainty about what to do with it. We were attacked at the World Trade Center; we were attacked at the Khobar Towers; we were attacked in our ship in a port in Yemen; our embassies were blown up. In each case, our response was to hit them with a cruise missile, but not the commitment to actually go get them.

I joined Senator BIDEN and others on the Democratic side in supporting President Clinton in Kosovo, believing that the defense of human rights included stopping genocide on a massive scale in Bosnia. I remember when many Republicans criticized President Clinton for not coming with a plan—planning for peace, having every jot and tittle accounted for in the expenditures in Kosovo.

I suspect if we look up what we have spent in Kosovo on a per-capita basis, it is about the same as President Bush is proposing to spend in Iraq. As important as Kosovo was in terms of our strategic interests, Iraq is infinitely more important.

Now I believe America's best days are still ahead. I believe our role in world leadership is more important now than ever before. I believe after the Second World War America was laden with debt and our people wanted to go home, and President Truman came to this place and said we have to have a Marshall Plan to save Europe. It was one of the most beneficent acts ever by a government over a continent that had been conquered and suffered much tyranny.

I believe that Roosevelt, Truman, Eisenhower, MacArthur, and other leaders helped to save the free world in that act. But if you added it up at the time, as many did, and tried to make sense of it, it didn't make sense. But as I say, JOE BIDEN is on the right side of history because America has been called to a new sphere of responsibility, just like our parents were in Europe and in Asia.

I talked about the spread of democracy being one of the pillars of American foreign policy. Democracy is setting its roots everywhere on the planet except in Arabia. The Arab peoples have suffered mightily because of its absence, not having the rule of law. All you have to do is go look at the mass graves in Iraq to understand that. All you have to do is look at his people and his neighbors, the Iranians, who have suffered the effects of weapons of mass destruction from Saddam Hussein to understand his danger. All you have to do is understand where Hamas got its money to blow up the people of Israel; they got it from Saddam Hussein.

I believed this President when he came to us and asked for our support. He said the threat was not imminent, but after 9/11 we could no longer wait until it is imminent when we are dealing with a madman like Saddam Hussein.

Many of my colleagues criticize President Bush for not planning for the peace. Well, frankly, we, the Republicans, criticized President Clinton for not planning sufficiently for the peace in Kosovo. I am not sure how well you can plan for the peace, but I know every time a chief executive, Republican or Democrat, comes here and says I have a plan for the peace, we have many of our colleagues simply say we cannot pay for the peace. We can pay to win a war, but we want to go home when it is time to win the peace.

The American people, I know, are tired of paying, but world leadership and American interests in relationship to that are priceless, and sometimes we cannot tote it all up. But I ask you what kind of a world we will live in if we succeed in this vision of establishing a democracy in Iraq. Think what that means to Arabia, to Israel; think what that means to our country if we can avoid a future 9/11.

It will make the pricetag for peace in Iraq look like a good price, and it will mean that while some will complain we have created a breeding ground for terrorists in Iraq, in the Middle East, we can answer, yes, we have, but the ground is there; it is not here. That is what I think President Bush is trying to do.

So when we criticize our leaders for bold vision, just as Republicans criticized Roosevelt for Yalta, understand Roosevelt tilted the ship of state in the right direction so we could ultimately win. Understand that Truman laid the groundwork for democracy in Europe so we are not constantly fighting between Germans and French. And understand that what President Bush is now saying is, after 9/11, no more of them. If they want to fight, it is there, not here, and we have to go and win the peace. It falls to us now to pay for it.

I say JOE BIDEN is on the wrong side of short-term politics but JOE BIDEN is on the right side of history, just as Republicans were when they supported Truman with the Marshall plan. We are being asked to do something that is historic. If the time of the Americans is over with the cold war, vote no. If the time of the Americans and American leadership is still present, vote yes, for this appropriation. Vote against the amendments that would gut it because I believe our place in the world, democracy's future on this planet, is in large measure determined by what leadership we give to the world.

I wish I had more confidence in international organizations. I think we should stay in them, but I don't believe we should ever have our interests and our values subordinated to the veto of the Security Council of the United Nations. That would be a mistake. And if we had ever done that, we would never have defended Europe in the cold war, we would never have defended our allies in Asia, because we never could have gotten support of the Security Council for such things. So it does require American leadership, and sometimes, with allies such as the British, we have to go it nearly alone.

I believe the time of the Americans is still now, and I think we need to support this President because I think the peace of the world and the spread of democracy are dependent upon it.

I thank the Chair.

The PRESIDING OFFICER (Mr. CORNYN). The assistant Democratic leader.

Mr. REID. Mr. President, I ask unanimous consent that the agreement now in effect be amended to allow the Senator from California to speak for 10 minutes rather than 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

Mrs. BOXER. Mr. President, I thank my colleague. It is because I prize America's leadership in the world that I will be proudly supporting Senator BYRD's amendment because Senator BYRD's amendment will allow us to really look at what we are doing in Iraq. It is because I also prize this country and I respect and honor the needs of our people that I am supporting Senator BYRD's amendment.

If we look at what we spend in a year on items most important to the people in this country, and we compare it to what they are about to spend in Iraq reconstruction which we were told would never fall to American taxpayers, we will see that our people are being shortchanged.

Senator BYRD's amendment allows the funds for the military to move forward and even $5 billion of reconstruction for the Iraqi police to move forward, but it withholds the $15 billion because he prizes America's leadership, because he doesn't want us to look

foolish, because he as well as I and many others are tired of reading in the newspaper comments from the Iraqis.

For example, this is one from USA Today. It tells of an Iraqi businessman who was surprised to see the $100 million estimate to build a complex that will house more than 3,000 people. He said: I could build this for $10 million.

If someone comes to the floor and says Senator BYRD is turning his back on America's place in the world because Senator BYRD wants to protect the people of this country and their taxpayer dollars so that when and if we do build housing or shopping malls in Iraq, it is done in the right way, I say the people who question him are on the wrong track.

I have another quote. A member of the Iraqi Governing Council—appointed by this administration, I might say—saying to WAXMAN staff over on the House side that non-Iraqi contractors had charged about $25 million to refurbish 20 police stations in Basra, a job that he said Iraqis could have done for $5 million. This is a disaster.

My friend talked about President Roosevelt. Let me tell you what FDR said about this during World War II:

> I don't want to see a single war millionaire created in the U.S. as a result of this world disaster.

He was talking about war profiteering. Maybe my colleagues are sanguine about the scandals we have already seen with no big contracts in the back room to firms that have connections to the Vice President of the United States. I am not sanguine.

The Byrd amendment is saving us from the embarrassments that will flow, because they will flow. I have been in the area of military procurement reform for a very long time. I served in the House for 10 years. I served on the Armed Services Committee. I discovered a lot of problems with military procurement, and you ain't seen nothing yet when you already have Iraqis saying we are charging so much.

What Senator BYRD is saying to us is, before we send hard-earned American tax dollars over there for a rebuilding, if you will—actually, it is not even a rebuilding; it is a building because a lot of the things they never had before—before we do that, we need to look at this situation.

When I see that the administration, the President, is asking for $33,000 apiece for 80 pickup trucks when here they cost $14,000, I say thank you, Senator BYRD.

When I see a $3.6 million request for satellite phones at an average cost of $6,000 and we are told by the Iraqis that they paid on May 12 $900 each, I say thank you, Senator BYRD.

And $2 million for museums and memorials when the Iraqis say they are tired of memorials. That is all Saddam ever gave them. They don't want more memorials. I say thank you, Senator BYRD, for calling attention to the fact that they want to build two prisons at a cost of $50,000 per prison bed where in America it cost $25,000 per prison bed.

Others have talked about the cost of a 4-week business course in Iraq at a cost of $10,000 per student when in Harvard it is $4,000. I say thank you, Senator BYRD.

Where is the money going? Into somebody's pocket where it doesn't belong over there or over here? It doesn't matter; it is taxpayers' dollars.

Look at what we spend one year on drug enforcement, $1.6 billion, and our kids are dying of overdoses, and we don't have the money, and this administration won't give us the money for education.

This President cut afterschool programs in half, throwing 1 million kids out on the street. Thank goodness we restored some of it. I say thank you, Senator BYRD.

You can make the most lofty statements you want about America's leadership. America's leadership doesn't move forward one iota when we are not careful and we don't look at what we are doing.

I think it is extraordinary: $9 million for a state-of-the-art Iraqi postal service. Per capita, this amount is greater than the Federal Government spends on the U.S. Postal Service. Tell that to our constituents who are told they may not get Saturday mail deliveries.

My constituents are perplexed by this request. The President will not pay for it. He is adding to an already overblown deficit. If we do not count the Social Security trust fund, it is up to $700 billion. He will not pay for it. The numbers do not add up. They do not make sense.

My people want us to do our share to help the Iraq people, but they were told a different story from this administration. Press Secretary Ari Fleischer:

> Iraq has tremendous resources that belong to the Iraqi people. And so there are a variety of means that Iraq has to be able to shoulder much of the burden for their own reconstruction.

Ari Fleischer, the spokesman for the President, said that in February of this year. In March of this year, Deputy Defense Secretary Paul Wolfowitz:

> There's a lot of money to pay for this that doesn't have to be U.S. taxpayer money, and it starts with the assets of the Iraqi people.

He also said:

> We're dealing with a country that can really finance its own reconstruction, and relatively soon.

This is what my constituents were told, and now they are told they are supposed to blink their eye at tens of billions of dollars going for things that cost half the price in this country.

How about Secretary Rumsfeld, the leader of this war:

> I don't believe that the United States has the responsibility for reconstruction.

Let me say that again. The top person in the Defense Department, Secretary Donald Rumsfeld:

> I don't believe that the United States has the responsibility for reconstruction.

That is not BARBARA BOXER speaking. That is not ROBERT BYRD speaking. That is not Senator MURRAY speaking or Senator STABENOW.

This is what the American people were told, and Senator BYRD is saying to this administration that they did not tell us the truth about this.

It goes deeper than that. This administration has been wrong down the line on this policy, and suddenly we are supposed to write this enormous check for this reconstruction. I look at it as a blank check—when one sees the numbers they have put forward. They were wrong on the weapons of mass destruction. They were wrong on what would happen after the war. They were wrong when they failed to predict that the terrorists would move in and fill the void. They were wrong on what the rebuilding would cost. They were wrong on the state of Iraq's ability to recover economically. They were wrong on how many troops would be needed. They were wrong on the oil revenues. They were wrong on how much other countries would contribute.

I know it is hard to listen to this. I know some of my colleagues on the other side do not really want to listen to this, but these are the facts. We are not operating from a lack of experience. What Senator BYRD is saying—and he is making a plea to colleagues on both sides of the aisle—is that we need to take a further look at these requests, especially at a point in time when we are told by this administration that they cannot even meet our homeland defense needs.

I have an amendment to try to protect commercial aircraft from shoulder-fired missiles. Let's support Senator BYRD. He is doing the right thing for America.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Under the previous order, there will now be a period of 16 minutes equally divided between the Senator from West Virginia and the Senator from Alaska.

The Senator from Alaska.

Mr. STEVENS. Mr. President, I assume this will be an up-or-down vote. I am pleased to make my statement first and let the Senator close. That would put people on notice that we should be voting in 15 minutes.

I have said repeatedly that the President's supplemental must be considered as a complete package. This is one of the key votes on this bill. If we try to separate even a portion of the package of the $20.3 billion, we will delay the return of our troops.

We are in a situation where the quicker the Iraqi people can get control of their own affairs—or even greater control of their own affairs, I should say—the better off we will be and the sooner we will start bringing our forces home.

Support for our forces is directly linked to the funds for security, infrastructure repair, and freedom in Iraq. All of the witnesses who appeared before us from the military, the State Department, and Ambassador Bremer,

representing both in Iraq, have indicated to us there is no question that the safety of our people is linked to these funds for reconstruction and restoration of Iraq.

Our colleagues have said they support the military money, but the military money must be increased greatly if the forces are not forthcoming from the Iraqi people to provide security and police. They can provide their own people at much less cost than we can. To provide security in a military concept will mean bringing a great many more military people to Iraq to provide the security that is necessary to deal with the situation, particularly in the triangle around Baghdad.

Our troops on the ground become greater targets the more the dissidents increase their control over the Iraqi people. The dissidents really are those who are unhappy about their own lack of necessities, their own security, their own lack of fuel and electric power.

These costs for reconstruction are high, there is no question about it. If we compare it to other engagements we have had in the world, they are not high on a per capita basis. We are dealing with many more people in Iraq than we were in Bosnia, and many more than we were in Kosovo. In both of those countries, we ended up with a period of long occupation that would have been unnecessary if we had moved into the concept of aiding the people there to provide their own government and their own security and their own basic future.

I do hope the Senate will vote against the Byrd amendment. It is the first test really of the intention of this Senate to approve the request of the President of the United States, which has been supported by every person who is in authority in our Government today.

I wish I had with me some of the letters I have received, that have been read to me, from our military people in Iraq. Those who are serving there have done a magnificent job, and they know it. They are writing their parents and telling them how proud they are of what they have done and how proud they are to be helping these people have permanent freedom in their own country.

I urge that this amendment be defeated.

I do want to point out that what we are dealing with is the question of splitting this supplemental. The supplemental is in two parts. One is military, and one is for reconstruction and restoration of the Iraqi people. To split off any part of it is to defeat the purpose of the administration and to defeat the goals we sought to achieve by committing our forces to the cause of liberating Iraq.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. How much time do I have?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. BYRD. I thank the Chair.

Mr. President, first I thank my colleague, Senator STEVENS, for his courtesy. I want to tell him again that my association with him is not so fragile as to be injured by any differences we may have between us on this amendment or any other question.

The American people have only recently been exposed to some of the details of the $15.2 billion in funds that the President has requested for the reconstruction of Iraq. The more the public learns about this request, the more the people will want Congress to take a closer look at this request.

My amendment would strike $15.2 billion in reconstruction funding for Iraq. But it does not touch 1 cent of the security-related funding in this $87 billion appropriations bill. My amendment would allow the Senate to go back to the drawing board and consider an entirely new bill that would only contain funds for rebuilding Iraq.

A vote for the Byrd amendment is a vote for taking a fresh look at $15.2 billion in Iraqi reconstruction spending. A vote for the Byrd amendment is a vote for more hearings, more hearings about why these funds are needed, more hearings about your money. I have heard that expression so much when it has been used by our friends on the other side, talking about the tax cuts, saying: It is your money. It is your money. It is the people's money that we are talking about here. A vote for the Byrd amendment is a vote for more hearings about why these funds are needed.

Are there reasons to vote against my amendment? There sure are. There sure are reasons to vote against my amendment. If Senators want to spend $10 million to hire 48 bureaucrats for Iraq at the cost of $208,333 per pencil pusher, that is a good reason to vote against my amendment.

If Senators want to support $9 million for creating new ZIP Codes in Iraq, vote against my amendment. That is a good reason. That is a dandy reason to vote against it.

Let me say that again. If Senators want to support $9 million for creating new ZIP Codes in Iraq, vote against my amendment. Go to it.

If Senators want to buy 80 pickup trucks at $33,000 when pickup trucks at a car dealership in any town in the USA start at just $14,000, vote against my amendment. Go to it. Vote against my amendment.

A vote against the Byrd amendment to strike $15.2 billion in aid to Iraq is a vote for a padded bill. Go to it. A padded bill. The questionable items funded by this bill go on and on and on.

The President's request contains $3.6 million for 600 radios and telephones at $6,000 each. How about that? According to the Business Week of May 12, Iraqi merchants sold satellite phones during the war for $900 each.

This bill has $20 million to send Iraqis to a 4-week business school course at a cost of $10,000 per month. How about that? That must be a great education. That must be a great education because tuition at Harvard Business School is less than $4,000 per month.

As long as we are talking about education, the administration also wants to spend $30 million for English classes, at a cost of $1,500 per student. How about that? Thirty million dollars for English classes at a cost of $1,500 per student. Similar English programs in the United States reportedly cost just $500 to $1,000 per student. And there is more. There is more.

There are more reasons to vote against my amendment. For example, there is also $2 million for museums and memorials. Is this money really an emergency? Is it? Some Iraqis don't think so. On September 29, USA Today quoted a car dealer in Iraq as saying about this money:

> OK, garbage collection I can understand, but statues? After Saddam, we are fed up with statues.

If Senators support this kind of excessive spending, then vote against the Byrd amendment. But I think the Senate must take a new look at the $15.2 billion in reconstruction spending proposed by the administration. Interestingly, just yesterday, members Of the Iraqi Governing Council told the leadership of the Senate that they had not been consulted in putting together this budget request for the reconstruction of Iraq. We need to make sure there is a coherent plan for how this money is to be spent.

I do not yet have any confidence that the administration has a solid plan for how it plans to spend this money, and the lack of a plan could leave working Americans on the hook for billions of dollars more for many years.

I also do not yet have confidence that the administration has a plan for bringing in the international community to the occupation and reconstruction effort in Iraq. Some have argued that, if this reconstruction spending is delayed, it will result in increased danger to the troops. I simply don't understand how creating new ZIP Codes in Iraq, how hiring more bureaucrats for Iraq, how purchasing more pickup trucks for Iraq will make American troops any safer. What they need is a plan and an exit strategy, which includes getting troops and money from the international community.

Vote for the Byrd amendment to strike this $15.2 billion and let the Senate take a new look at how we can share the cost of this reconstruction spending with the international community.

I yield the floor.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment.

Mr. STEVENS. 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 assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38,nays 59, as follows:

[Rollcall Vote No. 371 Leg.]

YEAS—38

Akaka	Edwards	Lincoln
Baucus	Feingold	Mikulski
Bingaman	Feinstein	Murray
Boxer	Harkin	Nelson (FL)
Breaux	Hollings	Pryor
Byrd	Inouye	Reed
Chafee	Jeffords	Reid
Conrad	Johnson	Rockefeller
Corzine	Kennedy	Sarbanes
Daschle	Kohl	Schumer
Dodd	Lautenberg	Stabenow
Dorgan	Leahy	Wyden
Durbin	Levin	

NAYS—59

Alexander	Crapo	McCain
Allard	Dayton	McConnell
Allen	DeWine	Miller
Bayh	Dole	Murkowski
Bennett	Domenici	Nelson (NE)
Biden	Ensign	Nickles
Bond	Enzi	Roberts
Brownback	Fitzgerald	Santorum
Bunning	Frist	Sessions
Burns	Graham (SC)	Shelby
Campbell	Grassley	Smith
Cantwell	Gregg	Snowe
Carper	Hagel	Specter
Chambliss	Hatch	Stevens
Clinton	Hutchison	Sununu
Cochran	Inhofe	Talent
Coleman	Kyl	Thomas
Collins	Landrieu	Voinovich
Cornyn	Lott	Warner
Craig	Lugar	

NOT VOTING—3

Graham (FL)	Kerry	Lieberman

The amendment (No. 1794) was rejected.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, under the previous order Senator MCCONNELL will be offering a sense-of-the-Senate amendment on the troops. We are currently working on an agreement to set up the vote for that for tomorrow morning. Therefore, we will have no more votes tonight. Senator BIDEN tonight will also be offering an amendment later. There will be no more votes tonight. We will be announcing when we will be voting tomorrow morning a little bit later this evening.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I know the Senator from Louisiana is interested in talking for a few minutes as in morning business. I ask unanimous consent the Senator from Louisiana be recognized for 4 minutes as in morning business, after which I be allowed to send my amendment to the desk. The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

(The remarks of Senator LANDRIEU and Senator CRAIG are located in today's RECORD under ''Morning Business.'')

Ms. LANDRIEU. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Madam President, I will shortly offer an amendment that should be supported by everyone in the Senate. It seems to me it is time we had such a vote. It is an opportunity to set aside the rancor that has occasionally occurred during the consideration of this underlying measure, both in the Appropriations Committee and since, and agree that the Armed Forces of the United States have performed brilliantly in Operation Enduring Freedom in Afghanistan and in Operation Iraqi Freedom in, of course, Iraq.

Since October 7, 2001, when our Armed Forces of the United States and its coalition allies launched military operations in Afghanistan, designated as Operation Enduring Freedom, our soldiers and allies have removed the Taliban regime, eliminated Afghanistan's terrorist infrastructure, and captured significant and also important and numerous members of al-Qaida.

Since March 19, 2003, when the Armed Forces of our country and its coalition allies launched military operations, designated as Operation Iraqi Freedom, our soldiers have removed Saddam Hussein's regime, eliminated Iraq's terrorist infrastructure, ended Iraq's illicit and illegal programs to acquire weapons of mass destruction, and captured significant international terrorists.

During all of this time, during the heat of battle, our soldiers have acted with all the efficiency that wartime commands, but all the compassion and understanding that an emerging peace requires. They have acted in the finest tradition of U.S. soldiers and are to be commended by this Senate.

AMENDMENT NO. 1795

Mr. MCCONNELL. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 1795.

Mr. MCCONNELL. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To commend the Armed Forces of the United States in the War on Terrorism)

At the appropriate place, insert the following:

SEC. COMMENDING THE ARMED FORCES FOR EFFORTS IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.

Recognizing and commending the members of the United States Armed Forces and their leaders, and the allies of the United States and their armed forces, who participated in Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq and recognizing the continuing dedication of military families and employers and defense civilians and contractors and the countless communities and patriotic organizations that lent their support to the Armed Forces during those operations.

Whereas the September 11, 2001, terrorist attacks on the United States, which killed thousands of people from the United States and other countries in New York, Virginia, and Pennsylvania, inaugurated the Global War on Terrorism;

Whereas the intelligence community quickly identified Al Qaeda as a terrorist organization with global reach and the President determined that United States national security required the elimination of the Al Qaeda terrorist organization;

Whereas the Taliban regime of Afghanistan had long harbored Al Qaeda, providing members of that organization a safe haven from which to attack the United States and its friends and allies, and the refusal of that regime to discontinue its support for international terrorism and surrender Al Qaeda's leaders to the United States made it a threat to international peace and security;

Whereas Saddam Hussein and his regime's longstanding sponsorship of international terrorism, active pursuit of weapons of mass destruction, use of such weapons against Iraq's own citizens and neighboring countries, aggression against Iraq's neighbors, and brutal repression of Iraq's population made Saddam Hussein and his regime a threat to international peace and security;

Whereas the United States pursued sustained diplomatic, political, and economic efforts to remove those threats peacefully;

Whereas on October 7, 2001, the Armed Forces of the United States and its coalition allies launched military operations in Afghanistan, designated as Operation Enduring Freedom, that quickly caused the collapse of the Taliban regime, the elimination of Afghanistan's terrorist infrastructure, and the capture of significant and numerous members of Al Qaeda;

Whereas on March 19, 2003, the Armed Forces of the United States and its coalition allies launched military operations, designed as Operation Iraqi Freedom, that quickly caused the collapse of Saddam Hussein's regime, the elimination of Iraq's terrorist infrastructure, the end of Iraq's illicit and illegal programs to acquire weapons of mass destruction, and the capture of significant international terrorists;

Whereas in those two campaigns in the Global War on Terrorism, as of September 27, 2003, nearly 165,000 members of the United States Armed Forces, comprised of active, reserve, and National Guard members and units, had mobilized for Operation Enduring Freedom and Operation Iraqi Freedom;

Whereas success in those two campaigns in the Global War on Terrorism would not have been possible without the dedication, courage, and service of the members of the United States Armed Forces and the military and irregular forces of the friends and allies of the United States;

Whereas the support, love, and commitment from the families of United States service personnel participating in those two operations, as well as that of the communities and patriotic organizations which provided support through the United States Organization (USO), Operation Dear Abby, and Operation UpLink, helped to sustain those service personnel and enabled them to eliminate significant threats to United States national security while liberating oppressed peoples from dictatorial regimes;

Whereas the civilian employees of the Department of Defense, through their hard work and dedication, enabled United States military forces to quickly and effectively achieve the United States military missions in Afghanistan and Iraq;

Whereas the commitment of companies making their employees available for military service, the creativity and initiate of contractors equipping the Nation's Armed Forces with the best and most modern equipment, and the ingenuity of service companies assisting with the global overseas deployment of the Armed Forces demonstrates that the entrepreneurial spirit of the United States is an extraordinary valuable defense asset; and

Whereas the Nation should pause to recognize tributes and days of remembrance the sacrifice of those members of the Armed Forces who died or were wounded in Operation Enduring Freedom and Operation Iraqi Freedom, as well as all who served in or supported either of those operations: Now, therefore, be it

Therefore, the Senate

(1) conveys its deepest sympathy and condolences to the families and friends of the members of United States and coalition forces who have been injured, wounded, or killed during Operation Enduring Freedom and Operation Iraqi Freedom;

(2) commends President George W. Bush, Secretary of Defense Donald H. Rumsfeld, and United States Central Command Commander General Tommy Franks, United States Army, for their planning and execution of enormously successful military campaigns in Operation Enduring Freedom and Operation Iraqi Freedom;

(3) expresses its highest commendation and most sincere appreciation to the members of the United States Armed Forces who participated in Operation Enduring Freedom and Operation Iraqi Freedom

(4) commends the Department of Defense civilian employees and the defense contractor personnel whose skills made possible the equipping of the greatest Armed Force in the annals of modern military endeavor;

(5) supports the efforts of communities across the Nation—

(A) to prepare appropriate homecoming ceremonies to honor and welcome home the members of the Armed Forces participating in Operation Enduring Freedom and Operation Iraqi Freedom and to recognize their contributions to United States homeland security and to the Global War on Terrorism; and

(B) to prepare appropriate ceremonies to commemorate with tributes and days of remembrance the service and sacrifice of those service members killed or wounded during those operations.

(6) expresses the deep gratitude of the Nation to the 21 steadfast allies in Operation Enduring Freedom and to the 49 coalition members in Operation Iraqi Freedom, especially the United Kingdom, Australia, and Poland, whose forces, support, and contributions were invaluable and unforgettable; and

(7) recommits the United States to ensuring the safety of the United States homeland, to preventing weapons of mass destruction from reaching the hands of terrorists, and to helping the people of Iraq and Afghanistan build free and vibrant democratic societies.

Mr. MCCONNELL. Madam President, we will have further debate and a vote on that amendment in the morning.

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. BIDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Madam President, I ask unanimous consent that the pending amendment be temporarily laid aside so I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1796

Mr. BIDEN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for himself, Mr. KERRY, Mr. CHAFEE, Mr. CORZINE, Mrs. FEINSTEIN, and Mr. LAUTENBERG, proposes an amendment numbered 1796.

Mr. BIDEN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funds for the security and stabilization of Iraq by suspending a portion of the reductions in the highest income tax rate for individual taxpayers)

At the end of title III, add the following:

SEC. ____. (a) PROVISION OF FUNDS FOR SECURITY AND STABILIZATION OF IRAQ THROUGH PARTIAL SUSPENSION OF REDUCTIONS IN HIGHEST INCOME TAX RATE FOR INDIVIDUAL TAXPAYERS.—Section 1 of the Internal Revenue Code of 1986 (relating to tax imposed) is amended by adding at the end the following new subsection:

''(j) PROVISION OF FUNDS FOR SECURITY AND STABILIZATION OF IRAQ THROUGH PARTIAL SUSPENSION OF REDUCTIONS IN HIGHEST INCOME TAX RATE.—

''(1) IN GENERAL.—In the case of any taxable year beginning in 2005, 2006, 2007, 2008, 2009, and 2010, the 35 percent rate of tax under subsections (a), (b), (c), and (d) shall be adjusted to the percentage determined by the Secretary to result in an increase in revenues into the Treasury for all taxable years beginning in 2005, 2006, 2007, 2008, 2009, and 2010 equal to $87,000,000,000.

''(2) ADJUSTMENT OF TABLES.—The Secretary shall adjust the tables prescribed under subsection (f) to carry out this subsection.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning in 2005.

Mr. BIDEN. Madam President, I promise I am not going to keep you long. I plan on speaking in more detail to this tomorrow, but I wanted to lay this amendment down tonight.

With the help of Senator KERRY, Senator CHAFEE, Senator CORZINE, and Senator FEINSTEIN, we have a simple and we believe a very commonsense amendment to pay for the President's request for funding the supplemental for the war in Iraq.

For my bona fides here, I want to make it clear at the outset, No. 1, I voted to give the President the authority to go to Iraq, and I believe it was the correct vote. I am not at all happy with the way the administration failed to plan for the fall of Saddam, notwithstanding the importuning on the part of myself and many others—Republicans and Democrats in the Congress—but nonetheless, I do not come at this as someone who is opposed to the idea the American public is going to be asked to spend more money to win the peace in Iraq. We are going to be asked to spend more money. It is inevitable.

I might add, even if we had every other nation in the world with us, our share would still be in the tens of billions of dollars to win the peace in Iraq. We would still have tens of thousands of American troops there.

I am, as I stated earlier today, very—I should not have said it probably—angry with the failure of this administration to abandon the assumptions they had which were dead wrong. It is understandable; we all make mistakes, but they were dead wrong what we would find in Iraq after Saddam fell.

My colleague from Maine knows a great deal about American foreign policy, both in her incarnation as a senior staff person and now as a serious United States Senator. She knows from her experience on the Armed Services Committee and she knows from her experience on intelligence matters of what I speak. I am not suggesting she agrees with me; I am just suggesting she knows how much is at stake in winning the peace in Iraq.

What I am about to say some will use an ad hominem argument and say the reason BIDEN is doing this is because he is against funding the peace in Iraq. Wrong. I want to amend what the President sent us. I want to refine it.

For example, I voted against the Byrd amendment. The Byrd amendment really was designed to say we should deal with getting the money to the troops right away and then let's talk about the remainder for rebuilding. I was likely to support that when it looked like we were not going to be allowed to offer any amendments. I will have amendments to this legislation.

For example, we are spending something like $50,000 or $55,000 for every prison bed we are going to build in Iraq. They need to build prisons. It is in our interest they do that. We spend half that in the United States. Why in the devil should we be spending twice as much in Iraq? One of three things: We either have not calculated correctly or we are padding contractors who are going to go in and do the job, or Bremer and others are looking for some cushion to have money to do other things. In any of the three cases, it is the wrong way to go about it.

I will be offering an amendment that says we are going to cut part of the money for rebuilding Iraq; that we are only going to pay $30,000 per prison bed like we do here. We are talking about spending on education programs twice what we pay a student to go to Harvard Business School. There are a lot of things in the supplemental that require accountability. I am going to try to hold the administration accountable—not accountable for their sins, accountable so the American public and we know what they are doing.

My friend from Maine—I do not want to get her in trouble, but I think she and her colleagues were empathetic at least to the initial proposal, the so-called Biden-Lugar amendment before the war as to what the conditions of going to war were. On the amendment, which we never got to, because Mr. GEPHARDT reached a deal with the President and the House of Representatives and rendered our efforts moot, we had, I am told, over 20 Republicans prepared to vote for it and 40 Democrats to vote for it.

What did that amendment have in it that the authorization we finally passed did not have? It had reporting requirements. The President was required to report on a regular basis what he was doing, how the war was going, whether or not we were doing the following things. So I think there should be reporting requirements tied to this $87 billion, and more. I will not bore you with what else.

The point I am trying to make is this is not a veiled attempt to somehow undercut or defeat the President's request for significant economic and military aid in Iraq. We have to do it, in my view.

The second point I want to make at the outset is I voted against the President's tax cuts. I think they were excessive. I think they were dangerous. I think they did not take into account the exigencies which we are facing. I said so at the time. And I think they massively contribute to the deficit. A lot of us disagree. Half a dozen of my Democratic friends voted for it and most of my Republican friends voted for it. I am not in any way impugning their vote with what I am about to try to do.

Further, the fact I was against the amendment—this is not a back-door way to try to rescind the tax cut. My colleagues at this point will have to take that on faith, and hopefully, as I debate my amendment, you will understand what I am trying to do. Some will say the Biden, Kerry, Chafee, et cetera, amendment is designed to rescind the President's tax cut. That is not what this is about.

I was listening to the President and, I might add, the President, I think, were he to be asked—and there is no reason why he would be—and the administration, including Dr. Rice and the Secretary of State, will tell you the last 6 months I have been saying to the President: Tell the American people what it is going to cost. Tell them it is going to be billions of dollars. Tell them it is going to take tens of thousands of troops for an extended period of time because, Mr. President, if you don't, you are going to lose their support. They are going to be angry when they find out Johnny and Jane are not going to be marching home by Christmastime. They are going to be angry when they find out we are going to have to devote billions of dollars—tens of billions of dollars—to prosecute the peace, as we have already spent tens of billions of dollars, over $70 billion, to prosecute ''the war.'' And the President was reluctant to do that. I think his failure to level with the American people early on is a serious mistake.

By the way, conservative senior Republicans, such as my friend Senator DOMENICI, have used words such as ''level with the American people,'' or ''the administration should level.'' Senator LUGAR has been saying that for 6, 8, 10 months. So this is not a partisan attack on the President. This is just pointing out the President has to, to keep these folks in the deal so we don't leave our troops over there stranded, in effect, so we don't divide this Nation—the only similarity between this and Vietnam, in my view, is this has the potential to divide the Nation. Not in the sense it is a quagmire. It is in a sense that it will divide the Nation, and we cannot afford a divided Nation because if we lose the peace in Iraq—in a sense it is silly me saying this to you, Madam President, because you know this better than most—if we lose the peace in Iraq, we will significantly strengthen Iran.

We will significantly undermine the moderates in Iran. We will put incredible pressure on Musharraf in Pakistan, a nuclear power. We will put incredible pressure on the new Islamic party in Turkey that wants to become part of the European Union. We will probably cause every moderate and modernizing voice in the Middle East to shut down. That is a big problem well beyond terror.

If tonight the Lord Almighty came down and sat in this chair and said: I guarantee all of you Senators there will not be a single additional terrorist attack anywhere against American or American interests in the world for the next 10 years, does anybody think we still do not have a multibillion dollar problem in Iraq? Does anybody think we still do not have a multithousand troop problem in Iraq?

This is a country that has never been governed as a participatory republic, ever. This is a country that is not a country. This is not the old Babylon. This is not the Babylonian Empire. This is a polyglot of elements of the Middle East that were put together by the colonial powers, Mr. Churchill, after World War I. It has never been a country.

Look how long it took to rebuild Germany, a unified, ethnically coherent country—as a matter of fact, too ethnically coherent in a sense.

So this is going to take a long time. My effort is like that of Senator REED of Rhode Island. We have to do more, not less. So this is not designed to undercut the effort to rebuild Iraq. Nor is it designed as a back-door way of eliminating the President's tax cut. Let me tell my colleagues what it is designed to do. It is designed to pay for what we need to do. There is the $87 billion we are about to—I believe, I predict—at least the bulk of that we will vote for. The President will sign it into law. The question is: What happens? How is that $87 billion, in effect, recorded on the books?

Well, the President's proposal is very simple and straightforward. It increases the deficit to almost $600 billion. Just add the $87 billion on top of the roughly $500 billion deficit for next year, and that is it.

Put another way, my granddaughters Naomi, Finnegan, and Roberta Mabel will pay for my security. They will pay for reconstructing Iraq. Now where I come from, I thought it was the other way around. I thought we were supposed to pay for our children's and our grandchildren's security.

It is really simple. This is not hyperbole. This is not some great insight. If it is added to the deficit, our children and grandchildren pay for it. The pages will pay for my security, if we succeed in Iraq.

So that is one thing we can do. We can do the President's proposal. The other way we can do it is some Members of both parties—I believe, although I am not certain, but I think the Senator from Texas still has the view and some colleagues on my side, Senator DORGAN and others, believe there is so much oil in Iraq we can have them pay us back for this $87 billion. So we can make it in the form of a loan.

There will be a vote on that. Someone will offer an amendment saying this is a loan, not a grant. That is going to be very appealing to everybody listening to this little talk of mine. All my folks back home are saying: Joe, why would you not be for that? That is just fair. They have all this money, all this oil. They should pay for the reconstruction. They should pay for us liberating them.

Well, if they could, they should, but the fact of the matter is Iraq already owes in hard debt and reparations well over $100 billion to the international community, debts accumulated under Saddam Hussein. People lent them money. There were claims against their assets by those who were hurt by the invasion into Kuwait. There are indemnification claims against them, almost $200 billion, we are told.

Everybody is big these days on using historical analogies, historical examples, and as hopefully a relatively informed student of history, I will use a comparison. We can either choose the World War I model of reconstruction or the World War II model. In World War I, the world defeated Germany and concluded at Versailles that the whole war

was Germany's fault and Germany should pay for its own reconstruction and Germany should pay reparations to France, England, and others for the damage they did.

So the new government came along and we said, have at it, establish a democracy, rebuild your economy but, by the way, pay this overwhelming debt first.

What happened? We ended up with Germany collapsing, the economy collapsing, people using wheelbarrows full of deutsche marks to buy bread, and Hitler, the demagog, racist, no good son of a gun, playing on the angers, fears, and frustrations of the Germans, and we had World War II.

We can use the World War II model. The World War II model, to vastly oversimplify it—thank God your mother and father and my mother and father were a lot smarter than their mothers and fathers—they came along and said, the leadership of Republicans like Vandenberg and Democrats like Truman, the World War I model did not work. If we try to set up a new government in Germany, and in other parts of Europe, and we say to them, first of all, you Germans caused 400,000 Americans to die and over a million to be wounded and the debt, all of which is accurate, and you have to pay us off for the war first, does anybody believe we would have a democratic republic in Germany now?

What did we do? We did the exact opposite. After over a year of debate, we did the exact opposite. A guy named Marshall made a speech at the university—he was a Secretary of State and former general—and we had the Marshall Plan. Some little bit of that was loans, but the vast majority was grants, to give this fledgling new democracy, with the Adenauers of the world, the opportunity to grow, because there has never been a place where democracy has been able to take root without economic growth. It has never happened.

So we did the opposite. We rebuilt Germany. Guess who benefited the most. The United States. It started the greatest economic expansion in the history of the United States of America.

There is a third model—a fourth model we can use. That is instead of indemnifying them, how do we go out and say to the rest of the world, look, here is the deal? The deal is we want you, the rest of the world, to come up with $50 or $60 billion over the next couple years. We want you to send 50,000 or 60,000 of your troops, which will cost other billions of dollars, to be in Iraq. We want you to forgive the debt the old Iraqi Government owes you, and, by the way, our $20 billion we are putting in, we are going to indemnify against Iraqi oil, but not you.

That is what they call in some parts of my State being a penny wise and a pound foolish. We may indemnify our $20 billion but we are sure not going to get anyone else to put in any money.

So this a very appealing bad idea. This is the ''painted, tainted rose'' of the song. This is not a good idea. This is the siren song. It sounds great.

I am going to have trouble explaining at home why I would not vote to have Iraq pay their way. The reason I won't is it will cost the American taxpayers more, because no one else will get in the game if we do it and we will have to do it all.

The last way we can do this is we can pay for it. The President himself used these words in the State of the Union. He said:

> This country has many challenges. We will not deny, we will not ignore, we will not pass along our problems to other Congresses, other Presidents, or other generations.

This is a sentiment that is a principle we can all support with regard to Iraq. I would like to hold the President to his commitment. Mr. President, do not pass on to my children and grandchildren the cost of this war. Let us pay for it.

How do you pay for it? The amendment I have sent to the desk would take a small share, less than 5 percent of the $1.8 trillion tax cut we enacted in the last 3 years, to cover the $87 billion emergency supplemental for Iraq. That would put the burden of paying for our mission in Iraq on Americans today, not our grandchildren, which, despite the fine words I just quoted, is exactly what the President is doing.

This $87 billion request will be added to the mountains of debt we have already piled up. From a projected 10-year surplus of $5.6 trillion when the President came to office, this administration has, by a kind of reverse alchemy, turned gold into lead. We face a $480 billion deficit this year alone, and that is not counting the $164 billion we will borrow from Social Security. There is no one in this Chamber who is a better expert on Social Security than the Presiding Officer, so she knows the real deficit is actually $644 billion.

So what do I do? I believe the fair, equitable way to deal with paying for this is to say to the wealthiest Americans, the top .7 percent, instead of you getting a total tax cut of $690 billion over the term of this tax cut, you are only going to get $600 billion.

I tried this out on wealthy Americans, and wealthy Delawareans. Can you imagine if the President of the United States, when he announced this $87 billion supplemental, said: And because of this, I am going to ask the wealthiest 1 percent of you—which means you have to be making at least $360,000 to get into that category of income. The average person in that category makes $1 million per year—I am asking you to forgo 1 year of your tax cut; not the whole tax cut, just 1 year of the 10 years of the tax cut you are getting.

The reason this will have no impact on economic recovery, for those who say the tax cut is causing economic recovery, the way it works is, this will be paid from the year 2005 to 2010. It instructs the Commissioner of Internal Revenue to find this $87 billion from that category over a 5-year period. There is not a serious economist in the world who would say to you it would have any impact on recovery—none.

Do you know the interesting part about it? Wealthy people are prepared to do this. They know it is the right thing to do. They know it is the right thing to do. What frustrates me about some in your party and my party is, some in your party think only the wealthiest in the Nation have any brains, and some in my party think everything is class warfare.

The truth is, wealthy Americans are as patriotic as the poorest American, as patriotic as middle class Americans. They have not been asked to do anything yet. And to ask them to pay, give up 1 year of the 10 years of their tax cut, about which I will go into details tomorrow—for someone making $360,000 a year would be something like, what is it, $1,400 per year for 5 years. That is a sacrifice?

Some have said to me on the shows I have been on—the television shows—Why don't you do it for all Americans? The truth is, middle-class Americans need a tax break. Second, I am not taking away the tax break. Instead of getting 100 times what the middle-class American gets, you are only going to get 60 times.

Do you know what. I have not found a single wealthy American—I challenge anyone who is making in that .7 percent, making over $360,000, to write me a letter—this is on C–SPAN—telling me you don't think it is fair for you to give up 1 year of your tax cut out of 10, spread over 5 years.

I think the President vastly miscalculates the character of the American people and the character of the wealthiest people among us.

So tomorrow, when we actually bring this up for debate, I will have much more detail to say. I promised you I would not keep you long. But I believe—and I sincerely believe this—this is the right thing to do. The wealthiest people I am talking about I believe think it is the right thing to do. I hope we have the courage to do it.

I yield the floor. 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. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

Mr. VOINOVICH. Mr. President, just over 2 years ago, our lives were forever changed when terrorists attacked the World Trade Center and the Pentagon, claiming the lives of nearly 3,000 Americans and declaring war on freedom and democracy everywhere.

In the aftermath of the tragic events of September 11, it became very clear that we would be engaged in a war against terrorism that would span

years rather than months and require the full attention of the United States and our allies.

On September 12, 2001, I spoke on the Senate floor regarding the challenge before America. I said:

> Our determination to winning the war on terrorism must have the same high priority that we gave to winning World War II, and we must engage our allies in this war. We should make the same preparations that we made for D-day and the world's entry into the Persian Gulf war.

I also said:

> Our actions must be ongoing and relentless, and be dedicated to excising the cancer of terrorism wherever it raises its ugly head. Our efforts cannot be another catharsis after a national tragedy, and they must not fade away with time and business as usual. We owe it to yesterday's victims and their families, especially their children and grandchildren, most of all we owe it to the American people and the world community, to bring an end to terrorism everywhere and forever.

Exactly one year ago this week, I spoke in the Senate as we considered a resolution authorizing the President to use military force to disarm Saddam Hussein and liberate the Iraqi people should our diplomatic efforts fail. At that time, I said:

> Saddam Hussein poses a clear threat to peace in the world, to America and our interests, to regional stability and to his own people.

That is why I voted in favor of a resolution expressing the conviction of Congress that the United States should exhaust all diplomatic options first, but if Iraq resisted diplomatic solutions the President would be authorized to use all necessary means to enforce U.N. Security Council resolutions in Iraq.

Though we all hoped and prayed the growing crisis would not have to be settled with military action, Iraq's 12-year defiance of the world community ultimately left no other action. Joined by members of the international community, a United States-led coalition engaged in a campaign against the Iraqi dictator, and as I stand before you 12 months later, the reign of terror of Saddam Hussein is no more. People in Iraq and people in the world can breathe easier now that Iraq is rid of a tyrant who used weapons of mass destruction to kill thousands of his own people, an enemy of humanity who shunned democracy and balked at the rule of law. Saddam Hussein was a dangerous threat to his own people, his regional neighbors, and the international community.

In an effort to perpetuate the fear on which his power was based, he used his own people as test subjects for the development of weapons of mass destruction. He depended on torture chambers as a method of coercion. Operation Iraqi Freedom has annihilated this vile oppression. This is significant not only for the well-being of the Iraqi people, but it is also crucial for our national security and the future of our children and grandchildren.

This is as much about us, and our war against terrorism, and the security of the American people, as it is about Iraq. I repeat: This is as much about us, our war against terrorism and the security of the American people, as it is about Iraq.

We now have a chance of a lifetime to create a new paradigm of democracy in the Middle East and to do for this part of the world what we did for Germany and Japan in the aftermath of World War II. Today, 58 years after the Second World War, Japan is a strong ally in Asia, and Germany is no longer a threat but instead our partner in NATO and partners with its neighbors in the European Union.

We spent billions of dollars during the Cold War in anticipation that one day our brothers and sisters behind the Iron Curtain and the Berlin Wall would enjoy the freedom we have now enjoyed. Now the Wall is down, the Curtain is torn, and we see democracy growing in that part of the world. Many of us believed it would never happen.

Today we find ourselves with another historic opportunity to promote a new era of peace, stability, and democracy in Iraq and the Middle East. As Ken Pollack writes in his book ''The Threatening Storm'':

> This is our one opportunity to create a stable, prosperous, self-sufficient Arab state that could serve as a model for the region. This is our one opportunity to turn Iraq from a malignant growth helping to poison the Middle East into an engine for change for the entire region, and we must not let it slip away from us.

I could not agree more. We have a chance to cultivate an important friendship in the Middle East. By helping Iraq, we send an important message not only to those who seek to undermine stability in Iraq but to the entire world. By extending support to help stabilize and strengthen a new democratic Iraq, our actions will demonstrate more than any rhetoric could that we are genuinely interested in supporting humane reconstruction in Iraq as we did following World War II. It will show that we will take the necessary steps and devote the resources required to secure a bright future for Iraq, especially for the young people, and stabilize that part of the world.

Today we begin discussion of the President's critical request for an additional $87 billion to support ongoing military operations and reconstruction efforts in Iraq and Afghanistan. In testimony before both Houses of Congress last week, the head of the coalition provisional authority, Ambassador Bremer, outlined the resources that will be required to enhance security and restore essential services in Iraq, which total of $20.3 billion. Secretary of Defense Donald Rumsfeld also testified regarding the funding that is required to support ongoing military operations in Iraq and Afghanistan and other parts of the world, which totals roughly $66 billion, nearly two-thirds of the total request.

The funding is urgently needed, both for military operations and reconstruction. The portion to sustain military operations will support the nearly 130,000 American soldiers on the ground, and it goes hand and glove with the $20.3 billion requested for reconstruction in Iraq. It is imperative that we act now to restore essential services, build infrastructure, and improve life for the Iraqi people.

As Ambassador Bremer remarked last week:

> Early progress on restoring basic infrastructure gives us an edge against the terrorists.

Ambassador Bremer also said if we fail to act soon, ''the consequences for American troops and American interests will be severe.''

What I am saying is that the $20.3 billion they are asking for infrastructure is just as important to the safety of our men and women in harm's way as the $69 billion that has been called for in the rest of the request.

This investment will also support our troops. The sooner Iraq is up and running on its own, the sooner our troops will be able to come home. United States-led coalition forces on the ground continue to encounter on a daily basis those who seek to undermine our efforts to ensure a free and democratic future for Iraq. We saw this last weekend when facilities used by U.N. officials and other members of the international community came under attack. There are those who would like to see us fail, and they are working to undermine our efforts with the expectation that our resolve is weak and that with enough violence we will leave. That is why we must act now.

This is a considerable sum of money, and Congress has an obligation to carefully consider this spending request in the broader context of other domestic needs. I understand while Iraq is in need of funding for security and infrastructure projects, we also have urgent spending needs here at home. Congress and the administration should address these priorities for the State of Ohio, my State, and cities and towns across America and make a renewed commitment to invest in our Nation's critical infrastructure, including our highways, bridges, drinking water, wastewater treatment facilities, and other water resources.

As a member of the Senate, I believe Congress should work to move critical infrastructure bills such as reauthorization of the surface transportation program, water infrastructure funding legislation, the Water Resources Development Act.

I have also urged the administration to create an emergency jobs bill much like the emergency jobs bill that President Reagan created in 1983 while I was mayor of the city of Cleveland and lobbying the Reagan administration to help my city, county, and State.

But while action on these items is important, it should not keep us from doing what we need to do to finish the

job in Iraq. We must address the spending request before us today as a separate issue. They are disconnected.

From the very beginning, it has been my belief that it will take a considerable amount of time, manpower, and money to do what must be done to truly secure a better future for the Iraqi people.

Again, I just want to mention, the money we spent in Japan, the money we spent in Germany after World War II, and the money that we spent during the Cold War—we spent billions of dollars. These were grants; these were not loans. We did it because we thought it was important to our national security. And we did it because we thought it was important for world peace.

Our military campaign to topple the Iraqi regime was accomplished swiftly and successfully. However, much of our work, as I said, has just begun, and it is not going to be done overnight, nor is it best done alone.

In February, prior to the onset of military action to disarm Saddam Hussein, I raised this point as a member of the Foreign Relations Committee with Under Secretary of State Marc Grossman and Under Secretary of Defense Doug Feith when they testified before our committee. I said then, and I believe now, if we are going to be successful in our efforts in Iraq, it will require not only the long-term commitment of the United States but our partners in the United Nations and other members of the international community.

At that time, I underscored the importance of building the broadest international coalition possible, and I urged the administration to lay the groundwork with the American people regarding the number of troops that would be required to win the peace in the aftermath of a military campaign, how long they might be needed, and what this would cost the U.S. taxpayers.

The answers to these questions are becoming even more critical as we find ourselves assessing the resources that will be required now to finish the job in Iraq. Our men and women in uniform are serving their country proudly, but they are spending increasing amounts of time away from their families. We must do everything we can to give them the tools they need to do what we have asked them to do, and then bring them home as quickly as possible.

One of the ways we can do that is to improve the Iraqi civil defense operations themselves. We have some 55,000 people in place, and we are trying to train another 20,000, I think, as Paul Wolfowitz said to us. They are now taking over the border patrol and other civil and security functions in Iraq. We need to move on that. Part of the funding included in the $20.3 billion is to be used for that purpose.

I am pleased President Bush addressed the United Nations General Assembly last week, and it is my sincere hope Secretary of State Colin Powell will be successful in securing a U.N. resolution that will allow for enhanced support from other countries, both in terms of military forces and financial resources to help build Iraq.

In order to achieve our goals in Iraq and take care of important needs here at home, it is essential we do all we can to make our efforts in Iraq a shared responsibility, calling on other countries and international organizations to invest in a free and democratic future for Iraq. Our human and financial resources will stretch further when they are supplemented by funds from our friends and allies abroad.

This was evident during the Persian Gulf War in 1991, when other countries made significant contributions to the war and the reconstruction effort. It has been estimated the Gulf War cost between $60 and $80 billion. Members of the international community contributed approximately $70 billion to aid in the gulf war. The largest donations came from Saudi Arabia, Kuwait, Japan, Germany, and a smaller one from the United Arab Emirates.

In all, approximately 40 countries contributed either financial or military resources. In addition to the countries I have just listed, another 35 countries together contributed an additional $10 billion to the effort. We need a similar commitment right now.

Like many of my colleagues, I strongly believe we should provide the resources necessary to restore essential services in Iraq. The funding for reconstruction requested by the President and reflected in this spending bill is an important part of the process. However, Ambassador Bremer has indicated it will take considerably more than $20 billion, perhaps as much as $70 billion, to meet Iraq's infrastructure needs in the years ahead. Therefore, I believe it is particularly important to step up our efforts to secure contributions from our friends and allies and build the economy of Iraq as soon as possible so they can use their resources to rebuild their own country.

As we look to increase contributions from the international community, I think this funding must be in the form of a grant and not a loan. While I initially thought this should be a loan, after carefully considering the situation and listening to the points raised by Ambassador Bremer and our colleagues, I have concluded this funding must be in the form of a grant. It is important for several reasons.

No. 1, if we tell the American people we are going to loan this money and that it is going to be paid back somewhere down the road, many of them will be very cynical about whether or not we will get the money back. I think we ought to level with them and say, this initial grant is a grant.

Second, it should be a grant in an effort to encourage other countries to make financial commitments for the reconstruction of Iraq. How can we ask them to come forward with money if we say that we are going to loan that $20.3 billion to Iraq? We will be going to the Donors' Conference in Madrid later this month. If we make U.S. funds for infrastructure projects contingent upon a loan, I do not think they are going to be willing to come to the table and support money for Iraq.

Third, Iraq's debt is already mountainous, totaling nearly $200 billion in debts and reparations. As Ambassador Bremer has pointed out, Iraq can hardly service its existing debt, let alone take on more. As a matter of fact, as one member of the Iraqi Governing Council has said, in his opinion, those loans are morally repugnant to the Iraqi people because they were made to a dictator who killed thousands of their brothers and sisters and who made them live under a 35-year reign of terror.

I would suggest to those who have made loans to the former regime in Iraq that they step up quickly and waive those loans because I believe it would be the smartest thing for them to do in terms of reaching out rather than waiting until later on to have a new Iraq government say to them: You know what, folks, we are not going to honor those loans you made to Saddam Hussein.

Fourth, as we encourage other countries to eliminate their debt, we should not saddle Iraq with any more loans. Countries that chose to do business with Saddam should, as I said, eliminate that debt as a way to share in the task of rebuilding a democratic Iraq.

In the past, the United States has also engaged in efforts to help ease the debt burden incurred by rogue regimes. This was the case in the former Yugoslavia, as the U.S. Government worked with the Paris Club to reduce the amount of debt the Federal Republic of Yugoslavia, now Serbia and Montenegro, owed to its creditors after Slobodan Milosevic was removed from power. We did everything we could to work with the World Bank, and with the IMF and the Paris Club, and we said: Get the debt off the back of Yugoslavia—Serbia and Montenegro—because we want them to get back on their feet, and this debt is killing them. This was an important and necessary step as the country attempted to move forward with democratic reforms after years of authoritative rule.

Finally, providing assistance to Iraq at this time in the form of a grant is the right thing to do. We must contribute all necessary resources to finish the job that has been started, while working together with our friends and allies.

I submit to the desk an amendment that would encourage the administration to step up efforts to gain support from the international community, call on other countries to eliminate debt that was incurred during Saddam Hussein's regime, and examine the feasibility of repayment of funds spent on infrastructure projects. I submit the amendment and will call it up later.

The PRESIDING OFFICER. The amendment is submitted.

Mr. VOINOVICH. I thank the Chair.

Specifically, this amendment would require the President to report to Congress within 4 months on the following items:

First, the amendment calls for an assessment of U.S. efforts to enhance financial contributions from other countries and international organizations to assist in the reconstruction of Iraq, including a list of those countries contributing and the amount of their contribution. As we move forward with our efforts, additional support from other countries and organizations would be extremely helpful.

Second, the amendment requires an assessment of the impact that debt incurred by the regime of Saddam Hussein has on the country's ability to move forward with efforts to rebuild infrastructure and restore essential services such as health care and education. It also calls for an analysis of the impact that forgiveness of such debt would have on Iraq's ability to move forward with reform, and it would require a detailed list of countries that have eliminated their debt and the amounts.

Finally, my amendment calls for an assessment of the feasibility of Iraq's ability to repay the United States for a portion of American funds spent on infrastructure projects in Iraq. Although I think we must now provide funds in the form of a grant, we should look at the possibility of any further help in terms of possible repayment.

I urge my colleagues to join me in support of this amendment which underscores the importance of working together with our friends and allies abroad to promote security and improve the quality of life for the Iraqi people. While I believe we should encourage support from foreign countries and international organizations as we move forward in Iraq, I support the funding requested by the President, both the military portion and the funds for reconstruction in Iraq and Afghanistan.

We have a golden opportunity to guarantee a new era of freedom and democracy for the people in Iraq. It is one we cannot afford to miss. This is an investment in a better future for Iraq, the Middle East, and the world at large. It is an investment for our children and our grandchildren. I believe it is the right thing to do. I hope this body has the courage to rise to the occasion and take advantage of this wonderful opportunity that could ensure that our children and grandchildren are going to live in a peaceful world and not be threatened by terrorism, the cancer that has newly appeared on the face of the world.

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. SPECTER. 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. SPECTER. Mr. President, I spoke yesterday on the floor and also in the Appropriations Committee in support of having the $20 billion which the administration has asked for the reconstruction of Iraq to be in the form of loans or loan guarantees instead of grants. I have made that suggestion in an effort to be helpful to the administration.

I analogize the situation in Iraq to a company, an enterprise, an entity in bankruptcy. Iraq is supposed to have some $200 billion in obligations. By analogy to a bankruptcy proceeding, those obligations are to be discharged. General creditors come last in line and, in the absence of any assets, they receive nothing.

The situation for the United States in advancing funds for the reconstruction of Iraq, it seems to me, ought to be in loans or loan guarantees because Iraq has substantial potential for its oil revenues, sitting on the second largest pool of oil in the world. I reject the contention that this would discourage other donor nations from helping Iraq. It seems to me if the United States is to come in and make a gift, a grant, that just encourages other nations to say: Well, let's let the United States do it.

If we at least refrain from taking a position until the donors conference on October 23 in Madrid, then we might use our situation to leverage funds from other countries.

The argument has also been advanced that if we make a loan or a loan guarantee, it will confirm to the Arab nations the contention that we are just there for Iraq oil. But that is a specious contention because we are not taking the money for ourselves or our military operations but using it only for the rebuilding of Iraq which is for the benefit of the people of Iraq.

Since I made the statements yesterday, a very able staff member, my general counsel David Brog, has researched the subject and has found a Security Council resolution which is very relevant to this proposition, a resolution which was enacted on May 21 of this year. The resolution is No. 1483, and it provides that there is to be a fund created. And the fund, under the control of the United States and the United Kingdom, may be used to pay for the rebuilding of Iraq. So that when we are searching for multilateralism and when we are searching for United Nations approval, not just what the United States might want to do or the United States and Great Britain might want to do, this U.N. Resolution 1483 provides that authority.

It also is of substantial assistance in answering a legal question which I had raised yesterday, which posed some difficulty, and that is: To whom would the United States loan the money? Who would be the contract party when there is no government in Iraq at the present time?

The U.N. resolution which establishes this fund has a reference to U.N. participation, International Monetary Fund participation, World Bank participation, and auditing which is to be done by many countries, including Arab countries, so that the fund, in and of itself, it seems to me, as a legal proposition, has sufficient status as an entity to be a contracting party. So that when the revenues are realized from Iraqi oil, or they go into the fund, the United States may deal with the fund, with the other parties present—as I say, the World Bank, International Monetary Fund, the U.N., and auditing countries—having some status with the fund to give extra assurances of fairness that the contract is really in the interest of the Iraqi people.

Mr. President, I ask unanimous consent that the text of U.N. Resolution 1483 be printed in the CONGRESSIONAL RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, I have further extracted an analysis of this U.N. resolution, which is hard to follow if you just pick up the resolution and read it. The analysis establishes the approach I have just summarized. One clause, which is denominated Roman numeral I—first, I ask unanimous consent that this addendum be printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SPECTER. Roman numeral I is the clause which recognizes the United States and the United Kingdom as the authority.

Roman numeral II establishes the Development Fund for Iraq, including establishing the International Advisory and Monitoring Board to audit in the Development Fund.

Roman numeral III from the U.N. resolution gives the authority and power to disburse the funds in the Development Fund for Iraq.

Roman numeral IV establishes that the Development Fund for Iraq must be used, among other things, for the economic reconstruction and repair of Iraq's infrastructure.

Roman numeral V mandates that 95 percent of the proceeds received from export sales of petroleum, petroleum products, and natural gas must be deposited into the Development Fund for Iraq until an Iraqi government is properly constituted. The other 5 percent is to be deposited into the Compensation Fund, which was set up, per U.N. Resolution 687 in 1991, to compensate those who suffered losses or damages as a result of Iraq's invasion and occupation of Kuwait.

In effect, this Security Council resolution anticipates the precise issue which the Congress is now facing. It is necessary to have these funds for the rebuilding of Iraq, but there is no good reason it ought to be a grant or a gift. When Iraq has the resources—the oil—to pay for the reconstruction of Iraq and to take care of the rebuilding of

Iraq; and with the authority of the U.N. it eliminates any concern about the United States acting unilaterally or in conjunction with the United Kingdom—acting with the two countries unilaterally—because this has been sanctioned by the United Nations. Creating this fund, there is an entity to look to, to provide the repayment, as the U.N. resolution calls for 95 percent of the fund to be used for the rebuilding of Iraq.

There is significant concern in the Congress—I have heard it among my colleagues—as to how these funds are to be advanced. The administration has taken the position that they want grants or gifts. From my soundings in Pennsylvania and from what I hear from my colleagues in other States, the American people are very concerned about what is going on in Iraq generally, they are very concerned about the casualties and fatalities.

We honor and respect and praise the Armed Forces for the military victory which has been achieved. We are concerned about our military personnel there not really being police officials, hopeful that there will be U.N. assistance on other forces being there, looking for an Iraqi police force to be trained. But when it comes to the issue of the advancement of funds, this Security Council resolution sets parameters, sets the procedures, which authorizes and authenticates the propriety of having the loans made or loan guarantees so that the United States can be repaid.

I hear considerable concern among my constituents, and I hear it from my colleagues in the Senate, about the tightness of our budget, the difficulties of providing important discretionary funding. In September, I managed the bill on Labor, Health and Human Services, and Education. Notwithstanding that $136.6 billion is really insufficient funds to take care of all of our educational, health, and worker safety needs, I think it is appropriate and reassuring to the American people that where we can avoid adding to the deficit and to the national debt, we take steps to do just that.

EXHIBIT 1

Analysis of the UN Resolution 1484 as it pertains to the Development Fund for Iraq

(adopted by the United Nations on May 21, 2003 by a vote of 14–0, with Syria not participating)

I. THE FOLLOWING CLAUSE RECOGNIZES THE UNITED STATES AND THE UNITED KINGDOM AS THE ''AUTHORITY'' (UN RESOLUTION 1484, PG. 2 ¶3)

Noting the letter of 8 May 2003 from the Permanent Representatives of the United States of America and the United Kingdom of Great Britain and Northern Ireland to the President of the Security Council (S/2003/538) and recognizing the specific authorities, responsibilities, and obligations under applicable international law of these states as occupying powers under unified command (the ''Authority''),

II. THE FOLLOWING CLAUSE ESTABLISHES THE DEVELOPMENT FUND FOR IRAQ, INCLUDING ESTABLISHING THE INTERNATIONAL ADVISORY AND MONITORING BOARD TO AUDIT THE DEVELOPMENT FUND. (UN RESOLUTION 1484, PG. 4, ¶12)

12. Notes the establishment of a Development Fund for Iraq to be held by the Central Bank of Iraq and to be audited by independent public accountants approved by the International Advisory and Monitoring Board of the Development Fund for Iraq and looks forward to the early meeting of that International Advisory and Monitoring Board, whose members shall include duly qualified representatives of the Secretary-General, of the Managing Director of the International Monetary Fund, of the Director-General of the Arab Fund for Social and Economic Development, and of the President of the World Bank;

III. THE FOLLOWING CLAUSE GIVES THE ''AUTHORITY'' THE POWER TO DISBURSE THE FUNDS IN THE DEVELOPMENT FUND FOR IRAQ. (UN RESOLUTION 1484, PG. 4, ¶13)

13. Notes further that the funds in the Development Fund for Iraq shall be disbursed at the direction of the Authority, in consultation with the Iraqi interim administration, for the purposes set out in paragraph 14 below;

IV. THE FOLLOWING CLAUSE ESTABLISHES THAT THE DEVELOPMENT FUND FOR IRAQ MUST BE USED, AMONG OTHER THINGS, FOR THE ECONOMIC RECONSTRUCTION AND REPAIR OF THE IRAQ'S INFRASTRUCTURE. (UN RESOLUTION 1484, PG. 4, ¶14)

14. Underlines that the Development Fund for Iraq shall be used in a transparent manner to meet the humanitarian needs of the Iraqi people, for the economic reconstruction and repair of Iraq's infrastructure, for the continued disarmament of Iraq, and for the costs of Iraqi civilian administration, and for other purposes benefiting the people of Iraq;

V. THE FOLLOWING CLAUSE MANDATES THAT 95% OF THE PROCEEDS RECEIVED FROM EXPORT SALES OF PETROLEUM, PETROLEUM PRODUCTS, AND NATURAL GAS MUST BE DEPOSITED INTO THE DEVELOPMENT FUND FOR IRAQ UNTIL AN IRAQI GOVERNMENT IS PROPERLY CONSTITUTED. (THE OTHER 5% WILL BE DEPOSITED INTO THE COMPENSATION FUND, WHICH WAS SET UP, PER UN RESOLUTION 687 (1991), TO COMPENSATE THOSE WHO SUFFERED LOSSES OR DAMAGES AS A RESULT OF IRAQ'S INVASION AND OCCUPATION OF KUWAIT). (UN RESOLUTION 1484, PG. 6, ¶20)

20. Decides that all export sales of petroleum, petroleum products, and natural gas from Iraq following the date of the adoption of this resolution shall be made consistent with prevailing international market best practices, to be audited by independent public accountants reporting to the International Advisory and Monitoring Board referred to in paragraph 12 above in order to ensure transparency, and decides further that, except as provided in paragraph 21 below, all proceeds from such sales shall be deposited into the Development Fund for Iraq until such time as an internationally recognized, representative government of Iraq is properly constituted;

EXHIBIT 2

(From the United Nations Security Council, 21 May 2003.)

SPAIN, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND UNITED STATES OF AMERICA: DRAFT RESOLUTION

The Security Council,

Recalling all its previous relevant resolutions,

Reaffirming the sovereignty and territorial integrity of Iraq,

Reaffirming also the importance of the disarmament of Iraqi weapons of mass destruction and of eventual confirmation of the disarmament of Iraq,

Stressing the right of the Iraqi people freely to determine their own political future and control their own natural resources, welcoming the commitment of all parties concerned to support the creation of an environment in which they may do so as soon as possible, and expressing resolve that the day when Iraqis govern themselves must come quickly,

Encouraging efforts by the people of Iraq to form a representative government based on the rule of law that affords equal rights and justice to all Iraqi citizens without regard to ethnicity, religion, or gender, and, in this connection, recalls resolution 1325 (2000) of 31 October 2000,

Welcoming the first steps of the Iraqi people in this regard, and noting in this connection the 15 April 2003 Nasiriyah statement and the 28 April 2003 Baghdad statement,

Resolved that the United Nations should play a vital role in humanitarian relief, the reconstruction of Iraq, and the restoration and establishment of national and local institutions for representative governance,

Noting the statement of 12 April 2003 by the Ministers of Finance and Central Bank Governors of the Group of Seven Industrialized Nations in which the members recognized the need for a multilateral effort to help rebuild and develop Iraq and for the need for assistance from the International Monetary Fund and the World Bank in these efforts,

Welcoming also the resumption of humanitarian assistance and the continuing efforts of the Secretary-General and the specialized agencies to provide food and medicine to the people of Iraq,

Welcoming the appointment by the Secretary-General of his Special Adviser on Iraq,

Affirming the need for accountability for crimes and atrocities committed by the previous Iraqi regime,

Stressing the need for respect for the archaelogical, historical, cultural, and religious heritage of Iraq, and for the continued protection of archaeological, historical, cultural, and religious sites, museums, libraries, and monuments.

Noting the letter of 8 May 2003 from the Permanent Representatives of the United States of America and the United Kingdom of Great Britain and Northern Ireland to the President of the Security Council (S/2003/538) and recognizing the specific authorities, responsibilities, and obligations under applicable international law of these states as occupying powers under unified command (the ''Authority''),

Noting further that other States are not occupying powers are working now or in the future may work under the Authority,

Welcoming further the willingness of Member States to contribute to stability and security in Iraq by contributing personnel, equipment, and other resources under the Authority,

Concerned that many Kuwaitis and Third-State Nationals still are not accounted for since 2 August 1990,

Determining that the situation in Iraq, although improved, continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. Appeals to Member States and concerned organizations to assist the people of Iraq in their efforts to reform their institutions and rebuild their country, and to contribute to conditions of stability and security in Iraq in accordance with this resolution;

2. Calls upon all Member States in a position to do so to respond immediately to the

humanitarian appeals of the United Nations and other international organizations for Iraq and to help meet the humanitarian and other needs of the Iraqi people by providing food, medical supplies, and resources necessary for reconstruction and rehabilitation of Iraq's economic infrastructure;

3. Appeals to Member States to deny safe haven to those members of the previous Iraqi regime who are alleged to be responsible for crimes and atrocities and to support actions to bring them to justice;

4. Calls upon the Authority, consistent with the Charter of the United Nations and other relevant international law, to promote the welfare of the Iraqi people through the effective administration of the territory, including in particular working towards the restoration of conditions of security and stability and the creation of conditions in which the Iraqi people can freely determine their own political future;

5. Calls upon all concerned to comply fully with their obligations under international law including in particular the Geneva Conventions of 1949 and the Hague Regulations of 1907;

6. Calls upon the Authority and relevant organizations and individuals to continue efforts to locate, identify, and repatriate all Kuwaiti and Third-State Nationals or the remains of those present in Iraq on or after 2 August 1990, as well as the Kuwaiti archives, that the previous Iraqi regime failed to undertake, and, in this regard, directs the High-Level Coordinator, in consultation with the International Committee of the Red Cross and the Tripartite Commission and with the appropriate support of the people of Iraq and in coordination with the Authority, to take steps to fulfil his mandate with respect to the fate of Kuwaiti and Third-State National missing persons and property;

7. Decides that all Member States shall take appropriate steps to facilitate the safe return to Iraqi institutions of Iraqi cultural property and other items of archaeological, historical, cultural, rare scientific, and religious importance illegally removed from the Iraq National Museum, the National Library, and other locations in Iraq since the adoption of resolution 661 (1990) of 6 August 1990, including by establishing a prohibition on trade in or transfer of such items and items with respect to which reasonable suspicion exists that they have been illegally removed, and calls upon the United Nations Educational, Scientific, and Cultural Organization, Interpol, and other international organizations, as appropriate, to assist in the implementation of this paragraph;

8. Requests the Secretary-General to appoint a Special Representative for Iraq whose independent responsibilities shall involve reporting regularly to the Council on his activities under this resolution, coordinating activities of the United Nations in post-conflict processes in Iraq, coordinating among United Nations and international agencies engaged in humanitarian assistance and reconstruction activities in Iraq, and, in coordination with the Authority, assisting the people of Iraq through:

(a) coordinating humanitarian and reconstruction assistance by United Nations agencies and between United Nations agencies and non-governmental organizations;

(b) promoting the safe, orderly, and voluntary return of refugees and displaced persons;

(c) working intensively with the Authority, the people of Iraq, and others concerned to advance efforts to restore and establish national and local institutions for representative governance, including by working together to facilitate a process leading to an internationally recognized, representative government of Iraq;

(d) facilitating the reconstruction of key infrastructure, in cooperation with other international organizations;

(e) promoting economic reconstruction and the conditions for sustainable development, including through coordination with national and regional organizations, as appropriate, civil society, donors, and the international financial institutions;

(f) encouraging international efforts to contribute to basic civilian administration functions;

(g) promoting the protection of human rights;

(h) encouraging international efforts to rebuild the capacity of the Iraqi civilian police force; and

(i) encouraging international efforts to promote legal and judicial reform;

9. Supports the formation, by the people of Iraq with the help of the Authority and working with the Special Representative, of an Iraqi interim administration as a transitional administration run by Iraqis, until an internationally recognized, representative government is established by the people of Iraq and assumes the responsibilities of the Authority;

10. Decides that, with the exception of prohibitions related to the sale or supply to Iraq of arms and related materiel other than those arms and related materiel required by the Authority to serve the purposes of this and other related resolutions, all prohibitions related to trade with Iraq and the provision of financial or economic resources to Iraq established by resolution 661 (1990) and subsequent relevant resolutions, including resolution 778 (1992) of 2 October 1992, shall no longer apply;

11. Reaffirms that Iraq must meet its disarmament obligations, encourages the United Kingdom of Great Britain and Northern Ireland and the United States of America to keep the Council informed of their activities in this regard, and underlines the intention of the Council to revisit the mandates of the United Nations Monitoring, Verification, and Inspection Commission and the International Atomic Energy Agency as set forth in resolutions 687 (1991) of 3 April 1991, 1284 (1999) of 17 December 1999, and 1441 (2002) of 8 November 2002;

12. Notes the establishment of a Development Fund for Iraq to be held by the Central Bank of Iraq and to be audited by independent public accountants approved by the International Advisory and Monitoring Board of the Development Fund for Iraq and looks forward to the early meeting of that International Advisory and Monitoring Board, whose members shall include duly qualified representatives of the Secretary-General, of the Managing Director of the International Monetary Fund, of the Director-General of the Arab Fund for Social and Economic Development, and of the President of the World Bank;

13. Notes further that the funds in the Development Fund for Iraq shall be disbursed at the direction of the Authority, in consultation with the Iraqi interim administration, for the purposes set out in paragraph 14 below;

14. Underlines that the Development Fund for Iraq shall be used in a transparent manner to meet the humanitarian needs of the Iraqi people, for the economic reconstruction and repair of Iraq's infrastructure, for the continued disarmament of Iraq, and for the costs of Iraqi civilian administration, and for other purposes benefiting the people of Iraq;

15. Calls upon the international financial institutions to assist the people of Iraq in the reconstruction and development of their economy and to facilitate assistance by the broader donor community, and welcomes the readiness of creditors, including those of the Paris Club, to seek a solution to Iraq's sovereign debt problems;

16. Requests also that the Secretary-General, in coordination with the Authority, continue the exercise of his responsibilities under Security Council resolution 1472 (2003) of 28 March 2003 and 1476 (2003) of 24 April 2003, for a period of six months following the adoption of this resolution, and terminate within this time period, in the most cost effective manner, the ongoing operations of the ''Oil-for-Food'' Programme (the ''Programme''), both at headquarters level and in the field, transferring responsibility for the administration of any remaining activity under the Programme to the Authority, including by taking the following necessary measures:

(a) to facilitate as soon as possible the shipment and authenticated delivery of priority civilian goods as identified by the Secretary-General and representatives designated by him, in coordination with the Authority and the Iraqi interim administration, under approved and funded contracts previously concluded by the previous Government of Iraq, for the humanitarian relief of the people of Iraq, including, as necessary, negotiating adjustments in the terms or conditions of these contracts and respective letters of credit as set forth in paragraph 4(d) of resolution 1472 (2003);

(b) to review, in light of changed circumstances, in coordination with the Authority and the Iraqi interim administration, the relative utility of each approved and funded contract with a view to determining whether such contracts contain items required to meet the needs of the people of Iraq both now and during reconstruction, and to postpone action on those contracts determined to be of questionable utility and the respective letters of credit until an internationally recognized, representative government of Iraq is in a position to make its own determination as to whether such contracts shall be fulfilled;

(c) to provide the Security Council within 21 days following the adoption of this resolution, for the Security Council's review and consideration, an estimated operating budget based on funds already set aside in the account established pursuant to paragraph 8(d) of resolution 986 (1995) of 14 April 1995, identifying:

(i) all known and projected costs to the United Nations required to ensure the continued functioning of the activities associated with implementation of the present resolution, including operating and administrative expenses associated with the relevant United Nations agencies and programmes responsible for the implementation of the Programme both at Headquarters and in the field;

(ii) all known and projected costs associated with termination of the Programme;

(iii) all known and projected costs associated with restoring Government of Iraq funds that were provided by Member States to the Secretary-General as requested in paragraph 1 of resolution 778 (1992); and

(iv) all known and projected costs associated with the Special Representative and the qualified representative of the Secretary-General identified to serve on the International Advisory and Monitoring Board, for the six month time period defined above, following which these costs shall be borne by the United Nations;

(d) to consolidate into a single fund the accounts established pursuant to paragraphs 8(a) and 8(b) of resolution 986 (1995);

(e) to fulfill all remaining obligations related to the termination of the Programme, including negotiating, in the most cost effective manner, any necessary settlement payments, which shall be made from the escrow

accounts established pursuant to paragraphs 8(a) and 8(b) of resolution 986 (1995), with those parties that previously have entered into contractual obligations with the Secretary-General under the Programme, and to determine, in coordination with the Authority and the Iraqi interim administration, the future status of contracts undertaken by the United Nations and related United Nations agencies under the accounts established pursuant to paragraphs 8 (b) and 8 (d) of resolution 986 (1995);

(f) to provide the Security Council, 30 days prior to the termination of the Programme, with a comprehensive strategy developed in close coordination with the Authority and the Iraqi interim administration that would lead to the delivery of all relevant documentation and the transfer of all operational responsibility of the Programme to the Authority;

17. Requests further that the Secretary-General transfer as soon as possible to the Development Fund for Iraq 1 billion United States dollars from unencumbered funds in the accounts established pursuant to paragraphs 8 (a) and 8 (b) of resolution 986 (1995), restore Government of Iraq funds that were provided by Member States to the Secretary-General as requested in paragraph 1 of resolution 778 (1992), and decides that, after deducting all relevant United Nations expenses associated with the shipment of authorized contracts and costs to the Programme outlined in paragraph 16 (c) above, including residual obligations, all surplus funds in the escrow accounts established pursuant to paragraphs 8 (a), 8 (b), 8 (d), and 8 (f) of resolution 986 (1995) shall be transferred at the earliest possible time to the Development Fund for Iraq;

18. Decides to terminate effective on the adoption of this resolution the functions related to the observation and monitoring activities undertaken by the Secretary-General under the Programme, including the monitoring of the export of petroleum and petroleum products from Iraq;

19. Decides to terminate the Committee established pursuant to paragraph 6 of resolution 661 (1990) at the conclusion of the six month period called for in paragraph 16 above and further decides that the Committee shall identify individuals and entities referred to in paragraph 23 below;

20. Decides that all export sales of petroleum, petroleum products, and natural gas from Iraq following the date of the adoption of this resolution shall be made consistent with prevailing international market best practices, to be audited by independent public accountants reporting to the International Advisory and Monitoring Board referred to in paragraph 12 above in order to ensure transparency, and decides further that, except as provided in paragraph 21 below, all proceeds from such sales shall be deposited into the Development Fund for Iraq until such time as an internationally recognized, representative government of Iraq is properly constituted;

21. Decides further that 5 percent of the proceeds referred to in paragraph 20 above shall be deposited into the Compensation Fund established in accordance with resolution 687 (1991) and subsequent relevant resolutions and that, unless an internationally recognized, representative government of Iraq and the Governing Council of the United Nations Compensation Commission, in the exercise of its authority over methods of ensuring that payments are made into the Compensation Fund, decide otherwise, this requirement shall be binding on a properly constituted, internationally recognized, representative government of Iraq and any successor thereto;

22. Noting the relevance of the establishment of an internationally recognized, representative government of Iraq and the desirability of prompt completion of the restructuring of Iraq's debt as referred to in paragraph 15 above, further decides that, until December 31, 2007, unless the Council decides otherwise, petroleum products, and natural gas originating in Iraq shall be immune, until title passes to the initial purchaser from legal proceedings against them and not be subject to any form of attachment, garnishment, or execution, and that all States shall take any steps that may be necessary under their respective domestic legal systems to assure this protection, and that proceeds and obligations arising from sales thereof, as well as the Development Fund for Iraq, shall enjoy privileges and immunities equivalent to those enjoyed by the United Nations except that the above-mentioned privileges and immunities will not apply with respect to any legal proceeding in which recourse to such proceeds or obligations is necessary to satisfy liability for damages assessed in connection with an ecological accident, including an oil spill, that occurs after the date of adoption of this resolution;

23. Decides that all Member States in which there are:

(a) funds or other financial assets or economic resources of the previous Government of Iraq or its state bodies, corporations, or agencies, located outside Iraq as of the date of this resolution, or

(b) funds or other financial assets or economic resources that have been removed from Iraq, or acquired, by Saddam Hussein or other senior officials of the former Iraqi regime and their immediate family members, including entities owned or controlled, directly or indirectly, by them or by persons acting on behalf or at their direction,

shall freeze without delay these funds or other financial assets or economic resources and, unless these funds or other financial assets or economic resources are themselves the subject of a prior judicial, administrative, or arbitral lien or judgment, immediately shall cause their transfer to the Development Fund for Iraq, it being understood that, unless otherwise addressed, claims made by private individuals or non-government entities on those transferred funds or other financial assets may be presented to the internationally recognized, representative government of Iraq; and decides further that all such funds or other financial assets or economic resources shall enjoy the same privileges, immunities, and protections as provided under paragraph 22;

24. Requests the Secretary-General to report to the Council at regular intervals on the work of the Special Representative with respect to the implementation of this resolution and on the work of the International Advisory and Monitoring Board and encourages, the United Kingdom of Great Britain and Northern Ireland and the United States of America to inform the Council at regular intervals of their efforts under this resolution;

25. Decides to review the implementation of this resolution within twelve months of adoption and to consider further steps that might be necessary.

26. Calls upon Member States and international and regional organizations to contribute to the implementation of this resolution;

27. Decides to remain seized of this matter.

ALLEGATIONS OF WHITE HOUSE LEAKS

Mr. SPECTER. Mr. President, a considerable controversy has arisen as to the allegations of leaks from the White House with respect to the identification of a CIA operative, or a CIA agent, and there have been calls for special counsel to be appointed by the Attorney General.

The Attorney General has taken the position that the investigation can be appropriately carried out by the professionals in the Department of Justice and the professionals in the FBI.

I think it is curious that the call for a special counsel has come only after the issue has become a cause celebre with the publication by the Washington Post of the front page story on Sunday. This investigation had been pending for a protracted period of time. It came to light in a newspaper column back in July. But until it had attained notoriety and attracted public attention, nobody came forward to make a suggestion that there ought to be special counsel.

The Congress of the United States decided to allow the independent counsel statute to lapse. We considered it in 1999 in the Governmental Affairs Committee. Legislation was introduced by Senator COLLINS and myself on the Republican side, and Senators LEVIN and LIEBERMAN on behalf of the Democrats. But there was no interest in having the independent counsel statute continued.

I favored the independent counsel because it established a specific procedure as to when there ought to be independent counsel in the event of a prospective conflict of interest, or appearance of conflict; it provided for judicial appointment of independent counsel. But that was rejected by the Congress. And it is interesting to know that of all those on the other side of the aisle among the Democratic Senators, none of them had cosponsored the legislation or, to my knowledge, had spoken in favor of the legislation—except, as I have noted, Senator LEVIN and Senator LIEBERMAN.

In rejecting a call to renew independent counsel, what we had was the judgment of the Congress that the existing institutions were sufficient. That is having it in the Department of Justice and having the procedures established by the Attorney General who was in office during the Clinton administration.

I suggest having decided that, we ought to give the existing institutions an opportunity to function. I think it is important to note that it wasn't the Attorney General who started the investigation, it was one of his subordinates. The matter is being handled by Mr. John Dion, who is a career professional. I had considerable contact with Mr. Dion during the course of the Judiciary Committee oversight when Independent Counsel Starr was in operation.

The matter is being investigated by the FBI and is being kept at the headquarters level to assure greater involvement and control by Director Robert Mueller. It ought to be noted Director Mueller has a 10-year term. His term will not expire for 2½ years after a prospective second term of President Bush. FBI Directors have

been known to be independent and professional. Former FBI Director Louis Freeh had considerable disagreements with President Clinton and refused to give information to the White House at a time when Director Freeh concluded there was a criminal investigation which might involve President Clinton. So we have a standard for professionalism by the Federal Bureau of Investigation, and we have a standard of professionalism by the career people in the Department of Justice.

There is also the oversight by the Judiciary Committee. This is a matter where we took considerable interest in what Independent Counsel Ken Starr did. It is worth noting that there are many members of the Judiciary Committee who have experience as prosecuting attorneys with the attendant responsibilities for investigation.

I was district attorney of Philadelphia for some 8 years. We have on the committee staff other former DAs, attorneys general, U.S. attorneys, so that the Judiciary Committee is in a position to have oversight, our constitutional responsibility, to see to it that the investigation is appropriately carried out.

There may come a time when special counsel would be warranted, but it seems to me that at this stage, there ought not to be politicization of the matter, although I understand the ways of Washington, but it is anomalous that those who are now calling for special counsel had no interest in institutionalizing the independent counsel except, as I say, for Senator LIEBERMAN and Senator LEVIN.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Mr. President, we know there is concern on the other side of the aisle, and certainly at 1600 Pennsylvania Avenue, regarding problems with leaking information from the White House or someplace in the administration to Robert Novak. We know that causes concern, as it should. To try to cloud this with a lot of legal jargon that there are other lawyers looking at it, that Democrats didn't support this independent counsel statute is evading the question.

We don't have to support an independent counsel statute to have the law as it now applies which allows the appointment of a special counsel.

It seems to me common sense that if an independent counsel was selected to look at Secretary Espy, the Secretary of Agriculture, because he accepted tickets to a football game, which he was not supposed to do, and President Clinton—by the way, an independent counsel was not ordered; he agreed to an independent counsel to investigate his real estate transaction in Arkansas—it seems to me certainly we should have a special counsel look at what has taken place.

We know a crime has been committed by a person or persons. We know that Robert Novak, who I think is an honorable person, identified from where that information came. So we know there are criminals there. We know there are people there who have committed crimes. So it seems to me this is a much more direct case than some of the other issues that have taken place in the past; namely, the issue with President Clinton and the situation with Secretary Espy.

The situation here is very clear: Someone leaked the name of a CIA operative, a Central Intelligence Agency operative, a spy, an American spy. They leaked the name of that person to the press by name.

Everyone—I agree—should take a deep breath and let this process go forward. The White House should want a special counsel. In Government, we not only have to do away with what is bad but what looks bad. The American people clearly know this.

ABC and the Washington Post are going to report a poll tomorrow. I will not go into a lot of the details, but one question they asked is: Do you think this investigation should be handled by the U.S. Department of Justice, part of the Bush administration, or should it be handled by an outside investigator or special counsel who is not part of the Bush administration?

About 70 percent of the people believe it should be handled outside the White House, outside the Justice Department.

Another question: If the investigation finds that someone in the White House leaked classified information, do you think that person should or should not lose his job?

Ninety-one percent of the people believe that person or those people should lose their jobs—91 percent of the people.

Another question that will be reported by the American Broadcasting Company in the morning: If the investigation finds that someone in the White House leaked classified information, do you think that person should or should not face criminal charges?

About 85 percent of the people believe that person should face criminal charges.

It is very clear to me this is an effort to cover up a problem. This is not something that I brought up just to be talking. If people are going to come here and try to cover this up, anytime anyone does that, and I am on the Senate floor, I am going to talk about it.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I agree with the Senator from Nevada that this is a serious matter. When he quotes the poll, I would say it would go beyond losing jobs. If someone has violated the law, there is a very substantial jail sentence which is proposed. But my comments I do not think constituted legal jargon at all. I think they were taking a look at the fact that the Congress has decided we would not have an independent counsel procedure when we did not renew the law. I fought hard to have that done as a principal position, regardless of which party is involved.

Now there is an immediate call for special counsel only after this matter becomes highly publicized, only after it becomes an opportunity for political gain—only then. This matter was pending since July when the CIA and part of the administration asked the Department of Justice for an investigation, and the investigation was going forward. Now it has been the subject of a demand for a special prosecutor by people who were indifferent to the institution of Government when independent counsel was considered for renewal.

We have a Department of Justice with professionals. We have an FBI with a Director who has a 10-year term. To repeat, his term will not expire until 2½ years after the end of the prospective second term for President Bush. So far, we have allegations, and they are serious allegations, and they ought to be investigated in due course without an immediate attempt for politicization, once it becomes a matter of high visibility as it has been since last Sunday. It only took until Monday to have a call for the independent counsel, and here we are on Wednesday.

Mr. President, I have been asked to handle the wrapup material on behalf of the majority leader as the sole remaining standing Republican present on the Senate floor.

AMENDMENT NO. 1795, AS MODIFIED

Mr. SPECTER. Mr. President, I ask unanimous consent that amendment No. 1795 be modified with the language at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. COMMENDING THE ARMED FORCES FOR EFFORTS IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.

(a) PURPOSE.—Recognizing and commending the members of the United States Armed Forces and their leaders, and the allies of the Untied States and their armed forces, who participated in Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq and recognizing the continuing dedication of military families and employers and defense civilians and contractors and the countless communities and patriotic organizations that lent their support to the Armed Forces during those operations.

(b) The Senate finds

That the September 11, 2001, terrorist attacks on the United States, which killed thousands of people from the United States and other countries in New York, Virginia, and Pennsylvania, inaugurated the Global War on Terrorism;

That the intelligence community quickly identified Al Qaeda as a terrorist organization with global reach and the President determined that United States national security required the elimination of the Al Qaeda terrorist organization;

That the Taliban regime of Afghanistan had long harbored Al Qaeda, providing members of that organization a safe haven from

which to attack the United States and its friends and allies, and the refusal of that regime to discontinue its support for international terrorism and surrender Al Qaeda's leaders to the United States made it a threat to international peace and security;

That Saddam Hussein and his regime's longstanding sponsorship of international terrorism, active pursuit of weapons of mass destruction, use of such weapons against Iraq's own citizens and neighboring countries, aggression against Iraq's neighbors, and brutal repression of Iraq's population made Saddam Hussein and his regime a threat to international peace and security;

That the United States pursued sustained diplomatic, political, and economic efforts to remove those threats peacefully;

That on October 7, 2001, the Armed Forces of the United States and its coalition allies launched military operations in Afghanistan, designated as Operation Enduring Freedom, that quickly caused the collapse of the Taliban regime, the elimination of Afghanistan's terrorist infrastructure, and the capture of significant and numerous members of Al Qaeda;

That on March 19, 2003, the Armed Forces of the United States and its coalition allies launched military operations, designated as Operation Iraqi Freedom, that quickly caused the collapse of Saddam Hussein's regime, the elimination of Iraq's terrorist infrastructure, the end of Iraq's illicit and illegal programs to acquire weapons of mass destruction, and the capture of significant international terrorists;

That in those two campaigns in the Global War on Terrorism, as of September 27, 2003, nearly 165,000 members of the United States Armed Forces, comprised of active, reserve, and National Guard members and units, had mobilized for Operation Enduring Freedom and Operation Iraqi Freedom.

That success in those two campaigns in the Global War on Terrorism would not have been possible without the dedication, courage, and service of the members of the United States Armed Forces and the military and irregular forces of the friends and allies of the United States;

That the support, love, and commitment from the families of United States service personnel participating in those two operations, as well as that of the communities and patriotic organizations which provided support through the United Services Organization (USO), Operation Dear Abby, and Operation UpLink, helped to sustain those service personnel and enabled them to eliminate significant threats to United States national security while liberating oppressed peoples from dictatorial regimes;

That the civilian employees of the Department of Defense, through their hard work and dedication, enabled United States military forces to quickly and effectively achieve the United States military missions in Afghanistan and Iraq;

That the commitment of companies making their employees available for military service, the creativity and initiative of contractors equipping the Nation's Armed Forces with the best and most modern equipment, and the ingenuity of service companies assisting with the global overseas deployment of the Armed Forces demonstrates that the entrepreneurial spirit of the United States is an extraordinarily valuable defense asset; and

That the Nation should pause to recognize with appropriate tributes and days of remembrance the sacrifice of those members of the Armed Forces who died or were wounded in Operation Enduring Freedom and Operation Iraqi Freedom, as well as all who served in or supported either of those operations: Now, therefore, be it (c) It is the Sense of the Senate that the Senate

(1) conveys its deepest sympathy and condolences to the families and friends of the members of United States and coalition forces who have been injured, wounded, or killed during Operation Enduring Freedom and Operation Iraqi Freedom;

(2) commends President George W. Bush, Secretary of Defense Donald H. Rumsfeld, and United States Central Command commander General Tommy Franks, United States Army, for their planning and execution of enormously successful military campaigns in Operation Enduring Freedom and Operation Iraqi Freedom;

(3) expresses its highest commendation and most sincere appreciation to the members of the United States Armed Forces who participated in Operation Enduring Freedom and Operation Iraqi Freedom;

(4) commends the Department of Defense civilian employees and the defense contractor personnel whose skills made possible the equipping of the greatest Armed Force in the annals of modern military endeavor;

(5) supports the efforts of communities across the Nation—

(A) to prepare appropriate homecoming ceremonies to honor and welcome home the members of the Armed Forces participating in Operation Enduring Freedom and Operation Iraqi Freedom and to recognize their contributions to United States homeland security and to the Global War on Terrorism; and

(B) to prepare appropriate ceremonies to commemorate with tributes and days of remembrance the service and sacrifice of those service members killed or wounded during those operations;

(6) expresses the deep gratitude of the Nation to the 21 steadfast allies in Operation Enduring Freedom and to the 49 coalition members in Operation Iraqi Freedom, especially the United Kingdom, Australia, and Poland, whose forces, support, and contributions were invaluable and unforgettable; and

(7) recommits the United States to ensuring the safety of the United States homeland, to preventing weapons of mass destruction from reaching the hands of terrorists, and to helping the people of Iraq and Afghanistan build free and vibrant democratic societies.

Mr. SPECTER. Mr. President, I ask unanimous consent that when the Senate resumes consideration of the Iraq supplemental, the Senate then resume consideration of the McConnell amendment, as modified, with the technical changes at the desk; provided further, that there then be 40 minutes equally divided in the usual form; further, that following the use or yielding back of time, the Senate proceed to a vote on or in relation to the amendment, with no amendments in order to the amendment prior to the vote.

Mr. REID. Mr. President, reserving the right to object, I would appreciate it if the Senator would allow a modification: That of the 20 minutes we have on this side, 10 minutes be set aside for Senator BYRD.

Mr. SPECTER. Agreed.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

SUPPORTING AMERICAN JOBS & THE BUY AMERICAN ACT

Mr. FEINGOLD. Mr. President, I rise today for the second in a series of statements that I plan to deliver about the hemorrhaging of American manufacturing jobs and the steps that I think that we ought to take to stem the flow of manufacturing jobs abroad and to strengthen our deteriorating manufacturing base.

Recently, I talked about how tax policy can help to strengthen American manufacturing. Today, I want to discuss the role of Federal procurement policy in supporting American businesses and American jobs.

The Buy American Act of 1933 is the primary statute that governs procurement by the Federal Government. The name of the act accurately and succinctly describes its purpose: to ensure that the Federal Government supports domestic companies and domestic workers by buying American-made goods.

It only makes sense for the Federal Government to make every effort to purchase goods that are made in America. A law requiring this commonsense approach should not be necessary. Unfortunately, this law is necessary and, even more unfortunately, the law contains a number of loopholes that make it too easy for government agencies to buy foreign-made goods.

I have often heard my colleagues say on this floor that American-made goods are the best in the world. I could not agree more. For generations, Wisconsin has had an economy dominated by manufacturing, and Wisconsinites have proudly made goods under name brands that are known around the country and even around the world brands such as Oshkosh B'Gosh, Harley-Davidson, Snap-On Tools, Masterlock, and S.C. Johnson. Many Wisconsin factories have churned out products for the Federal Government, including for the Department of Defense.

Regrettably, thousands of good-paying manufacturing jobs have left my State—77,000 jobs of this kind in the last 2½ years. Those companies that remain in my State often struggle to compete with cheaper foreign goods that flood into U.S. markets—even when they may be competing for contracts to supply our own Federal Government.

This Congress should do more to ensure that the Federal Government makes every effort to buy American-made goods by strengthening the provisions of the Buy American Act.

Some argue that the Buy American Act has outlived its usefulness in today's global economy. I could not disagree more. I strongly disagree. The act is as relevant today as it was when it was enacted in 1933. The passage of 70 years has not diminished the importance of this act for American manufacturing companies or for those who are employed in this crucial sector of our economy.

In fact, a strong argument can be made that this act is even more necessary today than it was 70 years ago. With American jobs heading overseas

at an alarming rate, the Government should be doing all it can to make sure that U.S. taxpayer dollars are spent to support American jobs.

Some argue that the Buy American Act is protectionist and anti-free trade. I disagree. Supporting American industry is not protectionist; it is just common sense. The erosion of our manufacturing base needs to be stopped, and Congress should support procurement and trade policies that help to ensure that we do not continue to lose jobs in this vital segment of our economy.

Recently I introduced the Buy American Improvement Act, which would strengthen the existing act by tightening its waiver provisions. Currently, the heads of Federal Departments and Agencies are given broad discretion to waive the act and to buy foreign goods. We should ensure that American companies are given a fair chance to compete for Federal contracts.

Companies in Wisconsin tell me that they do not mind having to compete for Federal and other contracts. In fact, they welcome the chance to compete and to put their high-quality products up against the best that the United States and the world has to offer. What they are concerned about is an uneven playing field that tilts in favor of foreign companies, which enjoy advantages including government subsidies, lower labor costs, little environmental regulation, and devalued currencies.

My constituents are also concerned about the prospect of certain types of industries leaving the United States completely, thus making the Federal Government dependent on foreign sources for goods, such as plane or ship parts, that our military may need to acquire on short notice.

In order to get a better picture of how often the Federal Government buys foreign goods, my bill also would expand annual reporting requirements regarding the use of Buy American Act waivers that currently apply only to the Department of Defense to include all Federal Departments and Agencies. I am pleased that the Senate has adopted amendments based on this provision that I have offered to a number of appropriations bills, thus putting the Senate on record in support of increased public disclosure regarding the use of Buy American Act waivers.

I am also pleased that my legislation is supported by a broad array of business and labor groups including: Save American Manufacturing, the U.S. Business and Industry Council, the International Association of Machinists and Aerospace Workers, the national and Wisconsin AFL–CIO, and the International Brotherhood of Boilermakers.

In addition, I believe that the Senate itself should lead by example and make every effort to purchase American-made goods. For that reason, I recently sent a letter to the chairman and ranking member of the Senate Committee on Rules and Administration asking them to support strengthening current law governing Senate procurement to clarify that the Senate should comply with Buy American requirements.

My letter also asks that the Rules Committee direct the Secretary of the Senate and the Sergeant at Arms to provide to the Senate an annual report, beginning at the end of the current fiscal year, describing the dollar value of any articles, materials, or supplies purchased that are manufactured outside of the United States, outlining the reasons for such foreign purchases, and providing a summary of total procurement funds spent on goods manufactured in the United States versus funds spent on goods manufactured outside of the United States. This report is consistent with the annual report already required of the Pentagon. I think we in the Senate ourselves should comply with the same requirement we impose on the Pentagon.

As I have repeatedly noted, Congress cannot simply stand on the sidelines while all these American jobs continue to be shipped overseas. While there may be no single solution to this problem, I believe that one way in which Congress should act is by strengthening the Buy American Act. I will continue to come to the floor to discuss other ways in which we can work to strengthen this crucial segment of our economy in the coming weeks.

ANGELS IN ADOPTION

Ms. LANDRIEU. Madam President, last night the Senator from Idaho, Mr. CRAIG, and I were pleased to host, as cochairs of the Congressional Coalition on Adoption—with two of our colleagues from the House, Congressman OBERSTAR and Congressman CAMP, and with the help of over 70 congressional offices—a celebration of the fifth annual Angels in Adoption Campaign.

I wanted to take a few minutes to speak about what a wonderful evening it was. Last night there were angels surrounded by stars on Pennsylvania Avenue as we celebrated and honored 165 individuals from 48 States for their work on behalf of children. Seventy Members of Congress and a total of almost 1,000 individuals were there as we awarded the national awards to Mohammad and Lanni Ali, who appeared in person. He is challenged with his physical abilities right now so we were so pleased to have him. Bruce Willis, who is the national spokesperson for foster care children, as asked by President Bush, was also with us.

The Angels in Adoption Campaign is a very powerful way of celebrating the miracle of adoption. We do work right on the Senate floor, through all of our work individually and collectively, to make the dream of adoption possible for so many children in the United States, as well as internationally.

From Louisiana we were pleased to be joined by Beverly Lewis of Alexandria. She was nominated and received an award because she, as a single mother but with a wonderful career, adopted three children from Russia and is now fostering an 8-year-old girl. Pam Bolke of Baker was nominated by my colleague, Senator BREAUX. After reading a newspaper article about two young girls who had been abused, she and her husband stepped up and adopted the two little girls. Although they were filled with rage, they are now growing to be beautiful, loving little girls because they have unconditional love.

Louise Bourne of Lafayette was nominated by CHRIS JOHN from our State. And I will submit the details of that for the RECORD. And Karen Caldwell of New Orleans, who was nominated by Congressman DAVID VITTER, joined us last night.

As you can see, we had from the State of Maine many individuals, and from almost every State in the Union, because the Senators in this Chamber took it upon themselves—the Senator from Nevada joined us; Senator BILL FRIST from Tennessee was with us—to seek out someone in their State, ordinary individuals but doing extraordinary work. Truly it was a wonderful evening to celebrate.

I will submit for the RECORD all of the angels, 165 individuals from 48 States, who were honored. They all received, besides a standing ovation from all of us, the beautiful angels pin I am wearing today and went home inspired and encouraged to do more for adoption.

It is an area on which we can agree, Democrats and Republicans. There is little disagreement among us on this issue. We have thousands of children in the United States waiting to be adopted, children whose rights have been terminated or the parental rights have been terminated. We have waiting in the United States over 100,000 children of all ages. I will submit those numbers for the RECORD.

I see my colleague from Idaho, Senator CRAIG. I thank him publicly for all of his leadership and the great work he did to make last night and the work that our coalition does truly bipartisan and truly effective.

Mr. CRAIG. Will the Senator yield?

Ms. LANDRIEU. I will.

Mr. CRAIG. Let me thank my colleague from Louisiana. She and I have worked so very closely together over the last several years to move the issue of adoption and the development of the congressional coalition and now the Congressional Coalition on Adoption Institute. All that she says about last evening is so true. It was a gala event, well beyond our expectations, when we started this whole effort a good number of years ago. Tonight, let me challenge every Senator who has not yet participated with us in the congressional coalition itself and in the institute to come on board and to be a part of what is truly a wonderful and worthwhile activity. Both Mary and I are adoptive parents, and we know what that has meant in our lives.

Now to facilitate the smoothing out of public policy, to make adoption

truly an option of the right form in taking children into loving and caring and safe environments to grow and to mature into sound adults is a role all of us ought to be a part of. If you cannot do it as actively as both Mary and I do, then you should be with us in spirit and legislation and participation but help us to grow this marvelous movement.

Last night, with nearly 1,000 people and with the Alis and with Bruce Willis and a good many others, we were very pleased to honor these angels from across the country who Mary has so aptly described as caring, giving, and loving people.

I thank the Senator for yielding and for her great work in this area.

Ms. LANDRIEU. We look forward to a great year.

Madam President, I ask unanimous consent to print in the RECORD the following information which I referenced in my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANGELS IN ADOPTION 2003

Alabama: LaGretta Ratliff, Philip and Gina Richards.

Arizona: Joanne Karolzak, Peter and Pat Likens, David and Diana Lucas, Lance and Barb Trella.

Arkansas: Jan Scholl, Lisenne Rockefeller.

California: Jesse and Linda Barela, Cecil and Pamela Ellis, Audrey Foster, Reverend Paul and Linda Hoyt, Karen Lane, Susan Lobo, Dave and Debbe Magnusen, Dr. David Sanders, Shasta County Adoptions Program, Ed and Judy Shrader, Sierra Adoptions Services, Karen Ullman.

Kim Matsunaga, Joshua and Lily Nie.

Connecticut: Anthony and Jacquelyn Barrows, Angel Torres.

District of Columbia: Linda Clausen.

Florida: Susana Huaman Dragosavac, Family Services of Central Florida, Foster Children's Project Legal Aid Society of PBC, Inc., A.J. and Susan Fremer, Marilys Llanos, Bill and Patricia Manning, James and Betsy Seifert.

Georgia: Truett Cathy, Amanda Davis, James Outman, Joe Woods.

Hawaii: Steven and Renee Saito.

Idaho: Meri Brennan, Jay and Sally Hilderbrandt, John and Denise Martin.

Illinois: Adoption Information Center of Illinois, Dan and Lynn Dempsey, Ben and Sherna Jennings, Sherri Nestmann, Cyndi Norton, Gary and Marla Ringger.

Indiana: Loving Shepherd International, Owino Wodomony and Dalia Owino, James and Verdell Releford.

Iowa: Dr. Rebecca Brandt, Ken and Char Kuhns, Terri and Bruce Lippert.

Kansas: Allan Hazlett, Chuck and Ann Vanasse.

Kentucky: James and Judith Green, Saint Joseph Children's Home.

Luoisiana: Pam Bolke, Louise Bourne, Karen Caldwell, Beverly Lewis.

Maine: Jennifer Sylvester.

Maryland: Kim and Carol Cormany, Barbara Ann Dorsey, Susan Faro, Mark McDermott.

Massachsetts: Loretta Cahill in memoriam, Nancy Hendrie, Margaret O'Grady, Craig and Jane Pixley, Robert and Shirley Siff, Carolyn Smith, Kathleen Teahan.

Michigan: Charlie and Jerry Brown, Jaclyn Hope Champnella, Linda Cromartie, Sandra Jones, Kevin and Mary Julien, Paul and Sherry Petroelje, Alan and Kristine Yeadon.

Minnesota: Becky and Gladys Abbott, Susan Freivalds, Larry and Arlyce Morrell, North American Council on Adoptable Children, Brad and Sandy Powers.

Mississippi: Nancy and Drew McDowell.

Missouri: George and Cyrilla Bender, Joan Bystrom, Dean and Sheila Dutton, Randy and Linda Koenig, Laurie Murphy.

Montana: Claire and Patty Walker.

Nebraska: Dr. Edward and Sandy Kolb, Patrick and Patrice Lappert, Patrick and Cindy Seitz, Eugene and Cindy Ulmer.

Nevada: Letha Davies, Steve and Kayleen Fotheringham, Rene Phillips.

New Jersey: Eileen Crummy, Janet Farrand, Pamela Hasegawa, Monsignor James J. McGovern, Debra Supnick.

New Mexico; Frank and Donna Payne, Ken and Fran Sullivan.

New York: Rose Marie Battisti-Bruce, Karen Eckert, Family Focus Adoption Services, New Directions Youth and Family Services, Thomasena Newton, Dr. Natasha Shaginian, Sloane Jacyln Tabisel, Margaret Tomasicchio.

North Carolina: Raymond and Debbie Abrams, Harriet McCarthy.

North Dakota: Loralei Klitzke.

Ohio: Arden and Diana Brooks, Kevin and Wendy Hoodlebrink, Dorothy Klemm, Rita Soronen.

Oklahoma: Amy Eldridge, David and Kathy Frost, Tom and Jennifer Rudolph.

Oregon: Susan Cox, Franklin Hunsaker, Portland Metro Korean Lions Club, Deborah Radcliffe.

Pennsylvania: Jeffrey and Lydia Buck, Maxine Chalker, Susann Hoke, Marjorie McKeone, Myron and Sally Stoltzfus, Kelley Strieb, Three Rivers Adoption Council, Hanna D. Wallace.

Rhode Island: Chris Cotatgis.

South Carolina: Hal and Diana Stevenson.

South Dakota: Harold and Sharon Holder, Jeff and Dori Nelson.

Tennessee: Dr. Paul Heil, Davis and Sherry Lundy, Claude and Bernadette Whatley, Pamela Wolf.

Texas: Jean Boyd, Barry and D'Wanna Finkel, Suzanne Faske and Karen Hall, Anna James, Dorothy Le Pere, Lutheran Social Services of the South, Rodney and Renee Nolen, Judge Peter Sakai, Snow Wu.

Utah: Christena Christensen.

Vermont: Diane Dexter.

Virginia: Bethany Christian Services of Fredericksburg, Bethany Christian Services of Hampton Roads, Chris and Christy Craig, Ronald Federici, Mara Kamen, Dr. Patrick Mason.

West Virginia: Mildred Mairs.

Wisconsin: Mark and Faith Richter KuFahl.

Wyoming: Carol Burman Lindly.

Past Angels in Adoption Award Recipients (1999–2002).

LOUISIANA DATA

Number of children in State custody as of year end by age—State fiscal year 03: 0–1, 434; 2–4, 692; 5–9, 929; 10–17, 2,252. Total number of children in foster care—4,307. (Note that in the previous State fiscal year the number was 4416.)

Number of children adopted out of State custody by age—State fiscal year 03: 0–1, 34; 2–4, 152; 5–9, 199; 10–17, 127. Total number of children adopted out of foster care—512. (Note that in the previous State fiscal year the number was 471.)

Number of children reunited with birth families by age—State fiscal year 03: 0–1, 219; 2–4, 326; 5–9, 405; 10–17, 664. Total number of children reunited—1614. (Note that in the previous State fiscal year the number was 1,552.)

Number of children freed for adoption and awaiting placement—State fiscal year 03: 0–1, 26; 2–4, 110; 5–9, 178; 10–17, 368. Total waiting children—682. (Note in the previous State fiscal year the total was 868.)

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in New Haven, CT. On May 9, 2003, Jessica Mercado, a transgender Latina, was brutally murdered. She was stabbed multiple times and then her body was burned. Her murder is believed to be a hate crime and her murder a result of the homophobia of her attackers.

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.

CHARLES TAYLOR AND LIBERIA

Mr. LEAHY. Mr. President, I rise today to voice my strong support for a provision included by Senator GREGG in the Commerce-Justice-State portion of the emergency supplemental which provides $2 million for rewards to anyone who brings Charles Taylor before the Special Court for Sierra Leone.

I commend the senior Senator from New Hampshire for his strong leadership on this issue. Just a few months ago, when the Special Prosecutor for Special Court unsealed his indictment against Charles Taylor, he and I came to the Senate floor together to commend this strong and decisive action.

In that colloquy and in other floor statements, I described why it is so important for West Africa, as well as the cause of international justice, to bring Charles Taylor before the Special Court, I will not repeat all of that here today, but I just want to make a couple of additional points. Since his exile to Nigeria, press reports have revealed that Charles Taylor continues to try to foment chaos and instability in Liberia. There is no doubt that he wants to return, and will do so if given the opportunity.

Charles Taylor needs to come before the Special Court. This needs to happen immediately. Allowing him to remain in Nigeria is wrong. It is impeding peace and prosperity in a region that has endured tremendous suffering over the past decade.

The provision included in the supplemental can help get him before the Special Court. I look forward to working with Senators GREGG and HOLLINGS

to keep this provision in the final version of the supplemental conference report.

I also want to point out that a humanitarian disaster continues to exist in Liberia, where thousands are without food, shelter, or basic medical care. Even after emergency needs are addressed, Liberia will require substantial amounts of additional assistance, as three-fourths of its citizens are impoverished, the unemployment rate is 85 percent, and seven out of ten of combatants involved in recent fighting in Liberia are child soldiers.

I am worried that the world's attention is focused elsewhere and we will simply forget about the plight of Liberia's people. In the coming weeks, I hope that we can find some money in this supplemental to address these critical needs. Even a tiny percentage of the more than $87 billion in this bill would save many lives.

REMEMBERING MOTHER TERESA

Mr. ALLARD. Mr. President, Mother Teresa will soon be beatified by Pope John Paul II in Rome, and I would like to take this opportunity to honor the model that she was for the world by promoting love and respect for all.

We in Congress often get overwhelmed with the amount of work and issues that we are faced with each day, but Mother Teresa put into perspective our mission when she said, ''We ourselves feel that what we are doing is just a drop in the ocean, but the ocean would be less because of that missing drop.''

Mother Teresa embodied the ultimate spirit of public service by giving a 100 percent of herself to her constituents: the poor, the hungry, the homeless and, most of all, the unloved. Her determination to make the world a better place has left its mark on history and humanity.

''It is not how much we do, but how much love we put into doing. It is not how much we give, but how much love we put into giving,'' said Mother Teresa. Let us not forget this valuable wisdom as the world honors Mother Teresa next month.

ADDITIONAL STATEMENTS

75TH ANNIVERSARY OF NEWARK LIBERTY INTERNATIONAL AIRPORT

● Mr. LAUTENBERG. Mr. President, I rise today to celebrate Newark Liberty International Airport's 75th Anniversary. On October 1, 1928, the New York metropolitan region's first major airport was built by the great city of Newark on 68 acres of marshland just 16 miles from midtown Manhattan. Soon those 68 acres became the world's busiest commercial airport. The U.S. Army Air Corps operated the Airport during WWII, and in 1948, the Port Authority of New York and New Jersey assumed control of it. The Port Authority has operated this airport ever since.

Today, some 30 million passengers use the airport annually. And international airlines offer direct service to many destinations around the world from Newark Liberty. It is also one of only two truly intermodal air-rail connections in the country. Passengers can take a train from any city on the Northeast corridor and transfer at the airport for a flight. In some cases, they can even book the entire air/rail trip all at once. This should serve as a shinning example of how our national transportation system can work.

Over 24,000 people are employed at the Newark Liberty International Airport. The airport contributes $11.3 billion in economic activity to the New York/New Jersey metropolitan region, including $3.3 billion in wages for some 110,000 jobs resulting from airport activity. In addition, the original 68 acres of marshland has grown to more than 2,000 acres.

Newark Liberty International Airport's 75th birthday deserves more than just a brief nod. As a former Port Authority Commissioner, I am pleased to point out that the airport has been a leader in aviation technology. Newark, for instance, was the site of our great Nation's first air traffic control tower. The very same airport had the first paved runway, the first runway with lighting, which permitted nighttime operations, and the Nation's first airport weather station.

So, today I congratulate the Port Authority of New York and New Jersey, Chairman Anthony Coscia, Executive Director Joseph Seymour, Mayor of Newark Sharpe James, Aviation Director Bill DeCota, Airport General Manager Susan Baer, her staff, and all others who have made Newark Liberty International Airport the world class facility it is today, and I look forward to celebrating 75 more years of safe, efficient operations.●

REMEMBERING RED PURSLEY

● Mr. MILLER. Mr. President, I rise today to note with deep regret the passing of a true American hero, entrepreneur, and fellow serviceman, Lewis ''Red'' Pursley.

Red Pursley's journey through life came to a quiet and peaceful end on September 30, 2003, at a hospice facility near his home in Douglasville, GA. A veteran of World War II and of the battlefields of corporate commerce, as well as a loving father and pillar of his local community, Mr. Pursley embodied the virtues that define the term American citizen.

As a young man in Clover, SC, Red Pursley heeded his country's call when he was needed most, like so many others of what history would later call the ''greatest generation.'' Entering into active service in late 1942, Mr. Pursley and his comrades knew the dangerous nature of their duty, but attacked it with the confidence that their services were necessary to the allied effort and conducted in the name of a righteous cause.

A flight engineer and top turret gunner on a B–17 bomber crew based in England with the 8th Army Air Corps, Sergeant Pursley and the other 9 members of his crew flew 14 successful missions over Northern Europe before being shot down while on a mission over Frankfurt on January 29, 1944. Of the 10 crewmembers onboard, four died in the air and two escaped capture, but Sergeant Pursley and three others were taken prisoner by the Germans.

For the next 16 months, Sergeant Pursley, along with thousands of his fellow servicemembers, endured long marches, malnutrition, and despair in a number of Nazi prison camps, before he was liberated on May 6, 1945, just four days shy of the end of the European Campaign. Though his health suffered throughout the heroing ordeal, Sergeant Pursley's sense of pride in his service and faith in his cause never wavered.

For his service, Mr. Pursley earned numerous decorations including the Silver Star and the Purple Heart. Upon his return from Europe and separation from the Army Air Corps, Mr. Pursley moved to Georgia and, in 1957, started Redrock Carpet, a commercial carpet company that he has run ever since with his son. Mr. Pursley excelled as a businessman and the products that he manufactured have been used to carpet such notable locales as Air Force One and the private residence quarters in the White House.

Red Pursley was a man we all should admire, as it was efforts of men like him that helped forge our present greatness. He took an active part in the last half century as a solider and a citizen, as a community leader and a businessman, and as a living link to our past. His distinguished career, both in the service of his country and in the private sector, is a demonstration of the highest standards of integrity, professionalism, and patriotism.

Red died on the morning of September 30, 2003, at the age of 82 after succumbing to a long bout with cancer. He leaves behind his loving wife and partner of nearly 61 years, Catherine Robinson Pursley, two children, three grandchildren, and four great-grandchildren. Red also leaves behind an indelible mark on his Douglasville, GA community and on the lives of all of those that he touched. He will be missed, but as long as the legacy of the greatest generation lives on, so too will he.●

MID-MISSOURI ENERGY

● Mr. TALENT. Mr. President, I rise today to commemorate the upcoming groundbreaking on Saturday, October 4, 2003, for construction of Missouri's third farmer-owned ethanol plant, Mid-Missouri Energy Ethanol Plant, which will be located in Malta Bend, MO.

Mid-Missouri Energy, the farmer-owned cooperative that is building the

plant, began its grassroots efforts in early 2002 and has since added over 720 farmer-investors. This plant will process 15 million bushels of corn each year, producing 40 million gallons of ethanol annually, creating more than 35 new jobs in Saline County. It will boost the value of locally grown corn and generate revenue for the farmers who have invested in the cooperative. In addition, the site preparation and construction of the plant will provide a boost to the area's economy. This plant is being built at a cost of $60 million, and it is expected to be in operation by Spring 2005.

The technology for ethanol-blended fuel will only get better as the distribution network continues to grow. Ethanol is already marketed in a number of places at the same price as gasoline, and its increased use will reduce our dependence on foreign oil and help agricultural producers. There are currently 73 ethanol plants in the country, with the capacity to produce 2.9 billion gallons annually. The Malta Bend plant is one of 13 new plants under construction, which represent more than 400 million gallons per year of new ethanol production. I am confident the energy bill that emerges from the Congress will retain the Renewable Fuels Standard, which will double the production and use of ethanol over the next ten years.

I am proud of the hard work and commitment that the farmers of Mid-Missouri Energy have shown in getting this plant built. Their efforts are crucial to helping our agricultural industry in Missouri and providing jobs and growth for the Missouri economy. I am pleased to congratulate them, as well as the farmer-investors of Missouri's two operative ethanol plants, Northeast Missouri Grain, LLC and General Triangle Energy Cooperative, for all that they have done to support Missouri job creation and economic growth.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, 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.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

Under the authority of the order of September 30, 2003, the Secretary of the Senate, on September 30, 2003, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 3146. An act to extend the Temporary Assistance for Needy Families block grant program, and certain tax and trade programs, and for other purposes.

Under the authority of the order of September 30, 2003, the enrolled bill was subsequently signed by (Mr. TALENT).

At 11:44 a.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, without amendment:

S. 570. An act to amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1882. An act to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the ''Arthur 'Pappy' Kennedy Post Office''.

H.R. 2075. An act to designate the facility of the United States Postal Service located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, as the ''Judge Edward Rodgers Post Office Building''.

H.R. 2086. An act to reauthorize the Office of National Drug Control Policy.

H.R. 3011. An act to designate the facility of the United States Postal Service located at 135 East Olive Avenue in Burbank, California, as the ''Bob Hope Post Office building''.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

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.

H. Con. Res. 282. Concurrent resolution honoring the life of Johnny Cash.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 3146) to extend the Temporary Assistance for Needy Families block grant program, and certain tax and trade programs, and for other purposes.''.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1882. An act to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the ''Arthur 'Pappy' Kennedy Post Office''; to the Committee on Governmental Affairs.

H.R. 2075. An act to designate the facility of the United States Postal Service located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, as the ''Judge Edward Rodgers Post Office Building''; to the Committee on Governmental Affairs.

H.R. 2086. an act to reauthorize the Office of National Drug Control Policy; to the Committee on the Judiciary.

H.R. 3011. An act to designate the facility of the United States Postal Service located at 135 East Olive Avenue in Burbank, California, as the ''Bob Hope Post Office Building''; to the Committee on Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

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.

MEASURES PLACED ON THE CALENDAR

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 282. Concurrent resolution honoring the life of Johnny Cash.

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–4485. A communication from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Farm Bill Regulations—Commodity Supplemental Food Program (CSFP)—Allocation of Administrative Funds'' (RIN0584–AD33) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4486. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Denomination of Customer Funds and Location of Depositories'' (RIN3038–AB31) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4487. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of the New York Mercantile Exchange, Inc. and the Intercontinental Exchange, Inc., Petitions for Treatment of Floor Brokers and Floor Traders as Eligible Commercial Entities Pursuant to Section 1a(11)(C) of the Commodity Exchange Act'' received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4488. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Performance Data and Disclosure for Commodity Trading Advisors'' (RIN3038–AB39) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4489. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Foreign Futures and Foreign Options Transactions'' received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4490. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Foreign Futures and Options Transactions'' received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4491. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Account Identification for Bunched Orders'' (RIN3038–AB93) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4492. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Appendix C of Part 40 and Redesignation as Appendix D of Part 30'' received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4493. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Washington Mutual, Inc. and its Various Subsidiaries Request for Relief'' received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4494. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Review by the National Futures Association of Disclosure Documents Required to be Filed by Commodity Pool Operators for Publicly-Offered Commodity Pools'' received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4495. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Commodity Pool Operators'' received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4496. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of the New York Mercantile Exchange, Inc. Petition for Interpretation Pursuant to Section 1a(12)(C) of the Commodity Exchange Act'' received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4497. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Customer Identification Programs for Futures Commission Merchants and Introducing Brokers'' (RIN3038–AB90) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4498. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Additional Registration and Other Regulatory Relief for Commodity Pool Operators and Commodity Trading Advisors; Past Performance Issues'' (RIN3038–AB97) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4499. A communication from the Director, Regulatory Review Group, Farm Service Agency, transmitting, pursuant to law, the report of a rule entitled ''Sugar Beet Disaster Program'' (RIN0560–AH04) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4500. A communication from the Director, Regulatory Review Group, Farm Service Agency, transmitting, pursuant to law, the report of a rule entitled ''Outside Storage of Extra Long Staple Loan Cotton'' (RIN0560–AH03) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4501. A communication from the Director, Regulatory Review Group, Farm Service Agency, transmitting, pursuant to law, the report of a rule entitled ''2003 Agricultural Assistance Act—Crop Disaster Program and Livestock Assistance Program'' (RIN0560–AG95) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4502. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, the fiscal year 2003 Commercial Activities Report for the Department of Defense; to the Committee on Armed Services.

EC–4503. A communication from the Air Force Federal Register Liaison Officer, Plans and Policy Directorate, Department of the Air Force, transmitting, pursuant to law, the report of a rule entitled ''Title 32—National Defense, Chapter VII—Department of the Air Force Part 809a—Installation Entry Policy, Civil Disturbance Intervention and Disaster Assistance'' (RIN0701–AA64)

EC–4504. A communication from the Principal Deputy, Office of the Under Secretary of Defense, Personnel and Readiness, transmitting, pursuant to law, the Department's Report on the Family Subsistence Supplemental Allowance Program; to the Committee on Armed Services.

EC–4505. A communication from the Director, Defense Research and Engineering, Department of Defense, transmitting, pursuant to law, a report on the experience under the fiscal years 1999 and 2000 revitalization pilot programs in exercising authorities provided for the administration of programs to demonstrate improved efficiency in the performance of research, development, test, and evaluation functions of the Department; to the Committee on Armed Services.

EC–4506. A communication from the Acting Under Secretary of Defense, Department of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–4507. A communication from the Director of Defense Research and Engineering, Department of Defense, transmitting, pursuant to law, a letter notifying the Senate of the intention of Foreign Comparative Testing (FCT) to fund several Fiscal Year 2004 projects; to the Committee on Armed Services.

EC–4508. A communication from the Principal Deputy, Office of the Under Secretary of Defense, Personnel and Readiness, transmitting, pursuant to law, a notice of the Department's intention to close the combined commissary and exchange stores at Homestead Air Reserve Base, FL and Fort McClellan, AL; to the Committee on Armed Services.

EC–4509. A communication from the Deputy Chief of Naval Operations, Manpower and Personnel, Department of the Navy, transmitting, a report of a decision to implement performance by the Most Efficient Organization (MEO) of Base Support Services of Naval Surface Warfare/Weapons Centers in Carderock, MD and Philadelphia, PA; to the Committee on Armed Services.

EC–4510. A communication from the Assistant Secretary of the Army, Office of the Assistant Secretary, Financial Management and Comptroller, transmitting, a copy of the Army's Annual Financial Statement report for fiscal year 2002; to the Committee on Armed Services.

EC–4511. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, a report on direct spending related to combating terrorism dated September 18, 2003; to the Committee on Armed Services.

EC–4512. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Quinoxyfen; Pesticide Tolerance'' (FRL#7318–2) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4513. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Sethoxydim; Pesticide Tolerance'' (FRL#7328–6) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4514. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Indian Meal Moth Granulosis Virus; Exemption from the Requirement of a Tolerance'' (FRL#7328–8) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4515. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Glufosinate Ammonium; Pesticide Tolerance'' (FRL#73278–9) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4516. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Dimethomorph; Pesticide Tolerances'' (FRL#7327–3) received on September 25, 2003 ; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4517. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Chlorfenapyr; Pesticide Tolerance'' (FRL#7320–8) received on September 25, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4518. A communication from the Deputy Secretary, Division of Investment Management, transmitting, pursuant to law, the report of a rule entitled ''Custody of Funds or Securities of Clients by Investment Advisers'' (RIN3235–AH26) received on September 25, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4519. A communication from the Associate General Counsel, Office of General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Loan Interest Rates, 12 CFR Part 701'' received on September 25, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4520. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting: Final Paperwork for Late Season Migratory Bird Hunting Regulations'' (RIN1018–AI93) received on September 25, 2003; to the Committee on Environment and Public Works.

EC–4521. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting: Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2003–04 Late Season'' (RIN1018–AI93) received on September 25, 2003; to the Committee on Environment and Public Works.

EC–4522. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting: Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds'' (RIN1018–AI93) received on September

25, 2003; to the Committee on Environment and Public Works.

EC–4523. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Hunting: Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2003–04 Early Season'' (RIN1018–AI93) received on September 25, 2003; to the Committee on Environment and Public Works.

EC–4524. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Texas; Revision to Regulations for Control of Air Pollution by Permits for New Construction or Modification'' (FRL#7564–5) received on September 25, 2003; to the Committee on Environment and Public Works.

EC–4525. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Nonattainment as of November 15, 1999 and Reclassification of the Atlanta 1-Hour Ozone Nonattainment Area; State of Georgia'' (FRL#7563–4) received on September 25, 2003; to the Committee on Environment and Public Works.

EC–4526. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Priorities List for Uncontrolled Hazardous Waste Sites'' (FRL#7563–8) received on September 25, 2003; to the Committee on Environment and Public Works.

EC–4527. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District'' (FRL#7562–8) received on September 25 , 2003; to the Committee on Environment and Public Works.

EC–4528. A communication from the Deputy Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Pennsylvania Regulatory Program'' (PA–135–FOR) received on September 26, 2003; to the Committee on Energy and Natural Resources.

EC–4529. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—October 2003'' (Rev. Rule 2003–107) received on September 25, 2003; to the Committee on Finance.

EC–4530. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Special Depreciation Allowance'' (RIN1545–BC19) received on September 25, 2003; to the Committee on Finance.

EC–4531. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Fringe Benefits Aircraft Valuation Formula'' (Rev. Rul. 2003–89) received on September 25, 2003; to the Committee on Finance.

EC–4532. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update Notice'' (Notice 2003–63) received on September 25, 2003; to the Committee on Finance.

EC–4533. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Bureau of Labor Statistics Price Indexes for Department Stores—July 2003'' (Rev. Rule 2003–103) received on September 25, 2003; to the Committee on Finance.

EC–4534. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Obsolete Split Dollar Rulings'' (Rev. Rule 2003–105) received on September 25, 2003; to the Committee on Finance.

EC–4535. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Qualified Community Development Entity Loan Purchases'' (Notice 2003–68) received on September 25, 2003; to the Committee on Finance.

EC–4536. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Investments Through Multiple Qualified Community Development Entities'' (Notice 2003–64) received on September 25, 2003; to the Committee on Finance.

EC–4537. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Revised Medical Criteria for Evaluating Amyotrophic Lateral Sclerosis'' (RIN0960–AF95) received on September 25, 2003; to the Committee on Finance.

EC–4538. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations 68 FR 49371'' (44 CFR 67) received on September 25, 2003; to the Committee on Finance.

EC–4539. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations 68 FR 49365'' (44 CFR 65) received on September 25, 2003; to the Committee on Finance.

EC–4540. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Clarification of Rules Involving Functional Capacity Assessments; Clarification of Use of Vocational Experts and Other Sources at Step 4 of the Sequential Evaluation Process; Incorporation of ''Special Profile'' Into Regulations'' (RIN0960–AF37) received on September 25, 2003; to the Committee on Finance.

EC–4541. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Programs; Payments for Paid Feeding Assistants in Long Term Care Facilities (CMS–2131–f)'' (RIN0938–AL04) received on September 26, 2003; to the Committee on Finance.

EC–4542. A communication from the Chief, Regulations Branch, Bureau of Customs and Border Protection, transmitting, pursuant to law, the report of a rule entitled ''Preferential Treatment of Brassieres Under the Caribbean Basin Economic Recovery Act'' (RIN1515–AD24) received on September 25, 2003; to the Committee on Finance.

EC–4543. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report of a certification of a proposed license for the export of major defense equipment and defense services in the amount of $25,000,000 or more to Greece; to the Committee on Foreign Relations.

EC–4544. A communication from the General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of a nomination confirmed for the position of Administrator, Office of Management and Budget, Office of Federal Procurement Policy, received on September 25, 2003; to the Committee on Governmental Affairs.

EC–4545. A communication from the Secretary of Transportation , transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 2002 through March 31, 2003; to the Committee on Governmental Affairs.

EC–4546. A communication from the Assistant General Counsel for Regulations, Office of the General Counsel, Office of Special Education and Rehabilitative Services, transmitting, pursuant to law, the report of a rule entitled ''Special Demonstration Programs—Model Demonstrations to Improve the Literacy and Employment Outcomes of Individuals with Disabilities'' (RIN1820–ZA29) received on September 25, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–4547. A communication from the Secretary of Health and Human Services, transmitting, a Report on the Community Services Block Grand Discretionary Activities: Community Economic Development Program projects funded during Fiscal Years 1998 and 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–4548. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Food Additives Permitted in Feed and Drinking Water of Animals; Selenium Yeast'' (Doc. No. 1998F–0196) received on September 25, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–4549. A communication from the Director, Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled ''Seat Belts for Off-Road Work Machines and Wheeled Agricultural Tractors at Metal and Nonmetal Mines'' (RIN1219–AA98) received on September 25, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–4550. A communication from the Director, Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled ''Standards for Sanitary Toilets in Coal Mines'' (RIN1219–AA98) received on September 25, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–4551. A communication from the Assistant General Counsel for Regulations, Office of the General Counsel, Office of Special Education and Rehabilitative Services, transmitting, pursuant to law, the report of a rule entitled ''Special Demonstration Programs—Model Demonstration Programs—Mentoring for Transition-Age Youth and Young Adults With Disabilities'' (RIN1820–ZA28) received on September 25, 2003.

EC–4552. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Food Additives Permitted for Direct Addition to Food for Human Consumption; Sucrose Oligoesters'' (Doc. No. 98F–0717) received on September 25, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–4553. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' received on September 25, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–4554. A communication from the Director, Regulations Management, Board of Veterans' Appeals, transmitting, pursuant to law, the report of a rule entitled ''Board of Veterans' Appeals: Speeding Appellate Review for Aging Veterans'' (RIN2900–AL08) received on September 25, 2003; to the Committee on Veterans' Affairs.

EC–4555. A communication from the Director, Regulations Management, Board of Veterans' Appeals, transmitting, pursuant to law, the report of a rule entitled ''Board of Veterans' Appeals: Rules of Practice—Motions for Revision of Decisions on Grounds of Clear and Unmistakable Error: Advancement on the Docket'' (RIN2900–AJ85) received on September 25, 2003; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment:

S. 861. A bill to authorize the acquisition of interests in undeveloped coastal areas in order to better ensure their protection from development (Rept. No. 108–158).

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, with amendments and with an amended preamble:

S.J. Res. 16. A joint resolution to approve the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia'', and the ''Compact of Free Association as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands'', and otherwise to amend Public Law 99–239, and to appropriate for the purposes of amended Public Law 99–239 for fiscal years ending on or before September 30, 2023, and for other purposes (Rept. No. 108–159).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

Army nomination of Lt. Gen. George W. Casey, Jr.

Navy nomination of Rear Adm. David C. Nichols, Jr.

(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. BINGAMAN (for himself and Mr. BOND):

S. 1690. A bill to amend the Workforce Investment Act of 1998 to provide for integrated workforce training programs for adults with limited English proficiency, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD (for himself, Mr. GRASSLEY, Mr. KENNEDY, and Mr. LIEBERMAN):

S. 1691. A bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II; to the Committee on the Judiciary.

By Mr. SUNUNU:

S. 1692. A bill to designate the facility of the United States Postal Service located at 38 Spring Street in Nashua, New Hampshire, as the ''Hugh Gregg Post Office Building''; to the Committee on Governmental Affairs.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 1693. A bill to amend section 35 of the Internal Revenue Code of 1986 to allow individuals receiving unemployment compensation to be eligible for a refundable, advanceable credit for health insurance costs; to the Committee on Finance.

By Mr. BROWNBACK:

S. 1694. A bill to amend title 38, United States Code to authorize the Secretary of Veterans Affairs to provide veterans who participated in certain Department of Defense chemical and biological warfare testing to be provided health care for illness without requirement for proof of service-connection; to the Committee on Veterans' Affairs.

By Mr. LEAHY (for himself, Mr. CRAIG, Mr. DURBIN, Mr. SUNUNU, and Mr. REID):

S. 1695. A bill to provide greater oversight over the USA PATRIOT Act; to the Committee on the Judiciary.

By Mr. CAMPBELL (for himself and Mr. INOUYE):

S. 1696. A bill to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes; to the Committee on Indian Affairs.

By Mr. DODD (for himself, Mr. SARBANES, and Mr. REED):

S. 1697. A bill to establish the elderly housing plus health support demonstration program to modernize public housing for elderly and disabled persons; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ENZI (for himself, Mr. GREGG, Mr. BOND, and Mr. SANTORUM):

S. 1698. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE:

S. 1699. A bill to amend the Head Start Act to require parental consent for nonemergency intrusive physical examinations; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself, Mr. BIDEN, Mr. SPECTER, Mr. LEAHY, Mr. DEWINE, Mrs. FEINSTEIN, Mr. SMITH, Mr. KENNEDY, Ms. COLLINS, Mr. SCHUMER, Mr. WARNER, Mr. DURBIN, Mr. CAMPBELL, Mr. KOHL, Mrs. CLINTON, Ms. CANTWELL, Mrs. MURRAY, and Ms. LANDRIEU):

S. 1700. A bill to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LIEBERMAN (for himself, Mr. MCCAIN, and Mr. BIDEN):

S. Res. 237. A resolution welcoming the public apologies issued by the President of Serbia and Montenegro and the President of the Republic of Croatia and urging other leaders in the region to perform similar concrete acts of reconciliation; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 139

At the request of Mr. LIEBERMAN, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 139, a bill to provide for a program of scientific research on abrupt climate change, to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances that could be used interchangably with passenger vehicle fuel economy standard credits, to limit greenhouse gas emissions in the United States and reduce dependence upon foreign oil, and ensure benefits to consumers from the trading in such allowances.

S. 333

At the request of Mr. BREAUX, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 333, a bill to promote elder justice, and for other purposes.

S. 349

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 349, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 767

At the request of Mr. SMITH, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 767, a bill to amend the Internal Revenue Code of 1986 to repeal the increase in the tax on social security benefits.

S. 894

At the request of Mr. WARNER, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 894, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

S. 1019

At the request of Mr. DEWINE, the name of the Senator from Kansas (Mr.

ROBERTS) was added as a cosponsor of S. 1019, a bill to amend titles 10 and 18, United States Code, to protect unborn victims of violence.

S. 1083

At the request of Mr. LUGAR, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1083, a bill to give States the flexibility to reduce bureaucracy by streamlining enrollment processes for the medicaid and State children's health insurance programs through better linkages with programs providing nutrition and related assistance to low-income families.

S. 1177

At the request of Mr. KOHL, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 1177, a bill to ensure the collection of all cigarette taxes, and for other purposes.

S. 1380

At the request of Mr. SMITH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1380, a bill to distribute universal service support equitably throughout rural America, and for other purposes.

S. 1394

At the request of Mr. HARKIN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1394, a bill to establish a demonstration project under the medicaid program to encourage the provision of community-based services to individuals with disabilities.

S. 1431

At the request of Mr. LAUTENBERG, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 1431, a bill to reauthorize the assault weapons ban, and for other purposes.

S. 1531

At the request of Mr. HATCH, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1531, a bill to require the Secretary of the Treasury to mint coins in commemoration of Chief Justice John Marshall.

S. 1545

At the request of Mr. HATCH, the names of the Senator from North Carolina (Mr. EDWARDS) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 1545, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents.

S. 1629

At the request of Mr. DEWINE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1629, a bill to improve the palliative and end-of-life care provided to children with life-threatening conditions, and for other purposes.

S. 1630

At the request of Mrs. CLINTON, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1630, a bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral services, and for other purposes.

S. 1634

At the request of Mr. BIDEN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1634, a bill to provide funds for the security and stabilization of Iraq by suspending a portion of the reductions in the highest income tax rate for individual taxpayers.

S. 1670

At the request of Mr. DAYTON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1670, a bill to expand the Rest and Recuperation Leave program for members of the Armed Forces serving in the Iraqi theater of operations in support of Operation Iraqi Freedom to include travel and transportation to the members' permanent station or home.

S. 1683

At the request of Mr. VOINOVICH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1683, a bill to provide for a report on the parity of pay and benefits among Federal law enforcement officers and to establish an exchange program between Federal law enforcement employees and State and local law enforcement employees.

S. 1686

At the request of Mr. GRASSLEY, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1686, a bill to reauthorize the adoption incentive payments program under part E of title IV of the Social Security Act, and for other purposes.

S. CON. RES. 67

At the request of Mr. COCHRAN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. Con. Res. 67, a concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and supporting the designation of a National Brain Injury Awareness Month.

S. RES. 231

At the request of Mr. FEINGOLD, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. Res. 231, a resolution commending the Government and people of Kenya.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD (for himself, Mr. GRASSLEY, Mr. KENNEDY, and Mr. LIEBERMAN):

S. 1691. A bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I introduce the Wartime Treatment Study Act. This bill would create two fact-finding commissions: one commission to review the U.S. Government's treatment of German Americans, Italian Americans, and European Latin Americans during World War II and another commission to review the U.S. Government's treatment of Jewish refugees fleeing Nazi persecution during World War II. This bill is long overdue.

I am very pleased that my distinguished colleagues, Senators GRASSLEY, KENNEDY, and LIEBERMAN, have joined me as cosponsors of this important bill. I thank them for their support.

The Allied victory in the Second World War was an American triumph, a triumph for freedom, justice, and human rights. The courage displayed by so many Americans, of all ethnic origins, should be a source of great pride for all Americans.

But, as so many brave Americans fought against enemies in Europe and the Pacific, here, at home, the U.S. Government was curtailing the freedom of some of its own people. While, it is, of course, the right of every nation to protect itself during wartime, the U.S. Government must respect the basic freedoms for which so many Americans have given their lives to defend. War tests our principles and our values. And as our Nation's recent experience has shown, it is during times of war and conflict, when our fears are high and our principles are tested most, that we must be even more vigilant to guard against violations of the Constitution.

Many Americans are aware of the fact that, during World War II, under the authority of Executive Order 9066, our Government forced more than 100,000 ethnic Japanese from their homes into internment camps. Japanese Americans were forced to leave their homes, their livelihoods, and their communities and were held behind barbed wire and military guard by their own government. Through the work of the Commission on Wartime Relocation and Internment of Civilians created by Congress in 1980, this shameful event finally received the official acknowledgement and condemnation it deserved. Under the Civil Liberties Act of 1988, people of Japanese ancestry who were subjected to relocation or internment later received an apology and reparations on behalf of the people of the United States.

While I commend our Government for finally recognizing and apologizing for the mistreatment of Japanese Americans during World War II, I believe that it is time that the government also acknowledge the mistreatment experienced by many German Americans,

Italian Americans, and European Latin Americans, as well as Jewish refugees.

The Wartime Treatment Study Act would create two independent, fact-finding commissions to review this unfortunate history, so that Americans can understand why it happened and work to ensure that it never happens again. One commission will review the treatment by the U.S. Government of German Americans, Italian Americans, and other European Americans, as well as European Latin Americans, during World War II.

I believe that most Americans are unaware that, as was the case with Japanese Americans, approximately 11,000 ethnic Germans, 3,200 ethnic Italians, and scores of Bulgarians, Hungarians, Romanians or other European Americans living in America were taken from their homes and placed in internment camps during World War II. We must learn from our history and explore why we turned on our fellow Americans and failed to protect basic freedoms.

A second commission created by this bill will review the treatment by the U.S. Government of Jewish refugees who were fleeing Nazi persecution and genocide. We must review the facts and determine how our restrictive immigration policies failed to provide adequate safe harbor to Jewish refugees fleeing the persecution of Nazi Germany. The United States turned away thousands of refugees, delivering many refugees to their deaths at the hands of the Nazi regime.

As I mentioned earlier, there has been a measure of justice for Japanese Americans who were denied their liberty and property. It is now time for the U.S. Government to complete an accounting of this period in our Nation's history. It is time to create independent, fact-finding commissions to conduct a full and through review of the treatment of all European Americans, European Latin Americans, and Jewish refugees during World War II.

Up to this point, there has been no justice for the thousands of German Americans, Italian Americans, and other European Americans who were branded ''enemy aliens'' and then taken from their homes, subjected to curfews, limited in their travel, deprived of their personal property, and, in the worst cases, placed in internment camps.

There has been no justice for European Latin Americans who were shipped to the United States and sometimes repatriated or deported to hostile, war-torn European Axis powers, often in exchange for Americans being held in those countries.

Finally, there has been no justice for the thousands of Jews, like those aboard the German vessel the *St Louis*, who sought refuge from hostile Nazi treatment but were callously turned away at America's shores.

Although the injustices to European Americans, European Latin Americans, and Jewish refugees occurred fifty years ago, it is never too late for Americans to learn from these tragedies. We should never allow this part of our nation's history to repeat itself. And, while we should be proud of our Nation's triumph in World War II, we should not let that justifiable pride blind us to the treatment of some Americans by their own government.

I urge my colleagues to join me in supporting the Wartime Treatment study Act. It is time for a full accounting of this tragic chapter in our Nation's history.

I ask that the text of the Wartime Treatment Study Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1691

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 ''Wartime Treatment Study Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) During World War II, the United States successfully fought the spread of Nazism and fascism by Germany, Italy, and Japan.

(2) Nazi Germany persecuted and engaged in genocide against Jews and certain other groups. By the end of the war, 6,000,000 Jews had perished at the hands of Nazi Germany. United States Government policies, however, restricted entry to the United States to Jewish and other refugees who sought safety from Nazi persecution.

(3) While we were at war, the United States treated the Japanese American, German American, and Italian American communities as suspect.

(4) The United States Government should conduct an independent review to assess fully and acknowledge these actions. Congress has previously reviewed the United States Government's wartime treatment of Japanese Americans through the Commission on Wartime Relocation and Internment of Civilians. An independent review of the treatment of German Americans and Italian Americans and of Jewish refugees fleeing persecution and genocide has not yet been undertaken.

(5) During World War II, the United States Government branded as ''enemy aliens'' more than 600,000 Italian-born and 300,000 German-born United States resident aliens and their families and required them to carry Certificates of Identification, limited their travel, and seized their personal property. At that time, these groups were the two largest foreign-born groups in the United States.

(6) During World War II, the United States Government arrested, interned or otherwise detained thousands of European Americans, some remaining in custody for years after cessation of World War II hostilities, and repatriated, exchanged, or deported European Americans, including American-born children, to hostile, war-torn European Axis nations, many to be exchanged for Americans held in those nations.

(7) Pursuant to a policy coordinated by the United States with Latin American countries, many European Latin Americans, including German and Austrian Jews, were captured, shipped to the United States and interned. Many were later expatriated, repatriated or deported to hostile, war-torn European Axis nations during World War II, most to be exchanged for Americans and Latin Americans held in those nations.

(8) Millions of European Americans served in the armed forces and thousands sacrificed their lives in defense of the United States.

(9) The wartime policies of the United States Government were devastating to the Italian Americans and German American communities, individuals and their families. The detrimental effects are still being experienced.

(10) Prior to and during World War II, the United States restricted the entry of Jewish refugees who were fleeing persecution and sought safety in the United States. During the 1930's and 1940's, the quota system, immigration regulations, visa requirements, and the time required to process visa applications affected the number of Jewish refugees, particularly those from Germany and Austria, who could gain admittance to the United States.

(11) Time is of the essence for the establishment of commissions, because of the increasing danger of destruction and loss of relevant documents, the advanced age of potential witnesses and, most importantly, the advanced age of those affected by the United States Government's policies. Many who suffered have already passed away and will never know of this effort.

SEC. 3. DEFINITIONS.

In this Act:

(1) DURING WORLD WAR II.—The term ''during World War II'' refers to the period between September 1, 1939, through December 31, 1948.

(2) EUROPEAN AMERICANS.—

(A) IN GENERAL.—The term ''European Americans'' refers to United States citizens and permanent resident aliens of European ancestry, including Italian Americans, German Americans, Hungarian Americans, Romanian Americans, and Bulgarian Americans.

(B) ITALIAN AMERICANS.—The term ''Italian Americans'' refers to United States citizens and permanent resident aliens of Italian ancestry.

(C) GERMAN AMERICANS.—The term ''German Americans'' refers to United States citizens and permanent resident aliens of German ancestry.

(3) EUROPEAN LATIN AMERICANS.—The term ''European Latin Americans'' refers to persons of European ancestry, including Italian or German ancestry, residing in a Latin American nation during World War II.

TITLE I—COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS

SEC. 101. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of European Americans (referred to in this title as the ''European American Commission'').

(b) MEMBERSHIP.—The European American Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the European American Commission. A vacancy in the European American Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The European American Commission shall include 2 members representing the interests of Italian Americans and 2 members representing the interests of German Americans.

(e) MEETINGS.—The President shall call the first meeting of the European American Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the European American Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The European American Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the European American Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the European American Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the European American Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 102. DUTIES OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—It shall be the duty of the European American Commission to review the United States Government's wartime treatment of European Americans and European Latin Americans as provided in subsection (b).

(b) SCOPE OF REVIEW.—The European American Commission's review shall include the following:

(1) A comprehensive review of the facts and circumstances surrounding United States Government actions during World War II that violated the civil liberties of European Americans and European Latin Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21–24), Presidential Proclamations 2526, 2527, 2655, 2662, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to such law, proclamations, or executive orders respecting the registration, arrest, exclusion, internment, exchange, or deportment of European Americans and European Latin Americans. This review shall include an assessment of the underlying rationale of the United States Government's decision to develop related programs and policies, the information the United States Government received or acquired suggesting the related programs and policies were necessary, the perceived benefit of enacting such programs and policies, and the immediate and long-term impact of such programs and policies on European Americans and European Latin Americans and their communities.

(2) A review of United States Government action with respect to European Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21–24) and Executive Order 9066 during World War II, including registration requirements, travel and property restrictions, establishment of restricted areas, raids, arrests, internment, exclusion, policies relating to the families and property that excludees and internees were forced to abandon, internee employment by American companies (including a list of such companies and the terms and type of employment), exchange, repatriation, and deportment, and the immediate and long-term effect of such actions, particularly internment, on the lives of those affected. This review shall include a list of all temporary detention and long-term internment facilities.

(3) A brief review of the participation by European Americans in the United States Armed Forces including the participation of European Americans whose families were excluded, interned, repatriated, or exchanged.

(4) A recommendation of appropriate remedies, including how civil liberties can be better protected during war, or an actual, attempted, or threatened invasion or incursion, an assessment of the continued viability of the Alien Enemies Acts (50 U.S.C. 21–24), and public education programs related to the United States Government's wartime treatment of European Americans and European Latin Americans during World War II.

(c) FIELD HEARINGS.—The European American Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The European American Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 101(e).

SEC. 103. POWERS OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—The European American Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The European American Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The European American Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the European American Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the European American Commission and furnish all information requested by the European American Commission to the extent permitted by law, including information collected as a result of Public Law 96–317 and Public Law 106–451. For purposes of the Privacy Act (5 U.S.C. 552a(b)(9)), the European American Commission shall be deemed to be a committee of jurisdiction.

SEC. 104. ADMINISTRATIVE PROVISIONS.

The European American Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

From funds currently authorized to the Department of Justice, there are authorized to be appropriated not to exceed $500,000 to carry out the purposes of this title.

SEC. 106. SUNSET.

The European American Commission shall terminate 60 days after it submits its report to Congress.

TITLE II—COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES

SEC. 201. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of Jewish Refugees (referred to in this title as the ''Jewish Refugee Commission'').

(b) MEMBERSHIP.—The Jewish Refugee Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the Minority Leader.

(3) Two members shall be appointed by the Majority Leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the Jewish Refugee Commission. A vacancy in the Jewish Refugee Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The Jewish Refugee Commission shall include 2 members representing the interests of Jewish refugees.

(e) MEETINGS.—The President shall call the first meeting of the Jewish Refugee Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the Jewish Refugee Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The Jewish Refugee Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the Jewish Refugee Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the Jewish Refugee Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the Jewish Refugee Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 202. DUTIES OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—It shall be the duty of the Jewish Refugee Commission to review the United States Government's refusal to allow Jewish and other refugees fleeing persecution in Europe entry to the United States as provided in subsection (b).

(b) SCOPE OF REVIEW.—The Jewish Refugee Commission's review shall cover the period between January 1, 1933, through December 31, 1945, and shall include, to the greatest extent practicable, the following:

(1) A review of the United States Government's refusal to allow Jewish and other refugees fleeing persecution and genocide entry to the United States, including a review of the underlying rationale of the United States Government's decision to refuse the Jewish and other refugees entry, the information the United States Government received or acquired suggesting such refusal was necessary, the perceived benefit of such refusal, and the impact of such refusal on the refugees.

(2) A review of Federal refugee policy relating to those fleeing persecution or genocide, including recommendations for making it easier for future victims of persecution or genocide to obtain refuge in the United States.

(c) FIELD HEARINGS.—The Jewish Refugee Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The Jewish Refugee Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 201(e).

SEC. 203. POWERS OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—The Jewish Refugee Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The Jewish Refugee Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The Jewish Refugee Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the Jewish Refugee Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Jewish Refugee Commission and furnish all information requested by the Jewish Refugee Commission to the extent permitted by law, including information collected as a result of Public Law 96–317 and Public Law 106–451. For purposes of the Privacy Act (5 U.S.C. 552a(b)(9)), the Jewish Refugee Commission shall be deemed to be a committee of jurisdiction.

SEC. 204. ADMINISTRATIVE PROVISIONS.

The Jewish Refugee Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

From funds currently authorized to the Department of Justice, there are authorized to be appropriated not to exceed $500,000 to carry out the purposes of this title.

SEC. 206. SUNSET.

The Jewish Refugee Commission shall terminate 60 days after it submits its report to Congress.

Amend the title so as to read: ''A bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II.''.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 1693. A bill to amend section 35 of the Internal Revenue Code of 1986 to allow individuals receiving unemployment compensation to be eligible for a refundable, advanceable credit for health insurance costs; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, today I am pleased to introduce, along with Senator BAUCUS, an extension of a bipartisan policy to help reduce the number of people living without health insurance today.

In simplist terms, our bill extends the 65 percent credit offered to people eligible for trade adjustment assistance, and to certain PBGC beneficiaries, to those workers eligible for unemployment insurance.

Is it perfect policy? No. Does it ''solve'' the problem of the uninsured? it does not.

But it's an important step in the right direction. I do not subscribe to the view that ''incrementalism'' when it comes to covering the uninsured, is dead.

With census figures showing the number of Americans living without health insurance increasing, even small steps are steps in the right direction.

Incrementalism has made a difference. For example, the few million people we covered with this tax credit in last year's trade promotion authority bill made a difference. The S–CHIP program made a difference. I believe Medical Savings Accounts and the small group market reforms we made in HIPAA all have made a difference in controlling what would otherwise be a much larger number of people without health insurance.

This year, Congress, in a bipartisan way, put $50 billion into a reserve fund to address the rising number of uninsured. The year is more than almost over, and nothing has been done, or even discussed.

I will not let a bipartisan consensus to spend $50 billion on improving access to health insurance lay there on the table. Iowans expect us to do get things done.

And to get anything, even something small, done on a problem this big, it's got to be bipartisan. That's why I am glad to be building on my work with Senator BAUCUS and making this important, novel program available to more Americans.

I am looking forward to exploring still more options in the Finance Committee on reducing the uninsured in the weeks and months ahead.

Mr. BAUCUS. Mr. President, I rise today to introduce the Health Care Tax Credit Expansion Act of 2003.

According to the most recent census figures, more than 41 million Americans lack health insurance coverage. More than the population of 23 States, plus the District of Columbia. As premiums sky rocket and the unemployment rate remains high—despite signs of economic recovery—I worry that this number may grow even higher.

For America's uninsured, the consequences of going without health coverage can be devastating.

Put plainly, uninsured Americans are less healthy than those with health insurance. They delay seeking medical care or go without treatment altogether that could prevent and detect crippling illnesses. Illnesses like diabetes, heart disease, and cancer. The uninsured are far less likely to receive health services if they are injured or become ill. They don't fill prescriptions that their doctors recommend.

These factors take an enormous personal toll on the lives of the uninsured. They are sicker and less productive. Their children are less likely to survive past infancy. And they must struggle with the knowledge that a serious injury or illness in their family might push them to the brink of financial ruin.

And there is also the impact on the rest of the U.S. economy that must be taken into account. Because when the uninsured become so sick that they must finally seek emergency treatment, there is often no one to pay for it. No insurance company. No government program.

So who absorbs the cost of uncompensated medical care? We all do. In the form of higher health care costs. Higher and higher premiums at a time when the cost of health care is already rising out of control.

The situation is becoming critical. And I believe the time for talking has ended. It is time for us to examine solutions instead of talking about the problem.

That is why I have joined with my colleague, chairman of the Senate Finance Committee, Senator CHUCK GRASSLEY, to introduce this important piece of legislation.

Our bill would provide health care assistance to the unemployed—one specific category of those without health insurance. And one where we believe there is agreement to move forward.

More specifically, this bill would expand the 65 percent refundable, advanceable tax credit that is currently provided under the Trade Adjustment Assistance program to workers receiving unemployment benefits.

By building on the structure that Congress put in place last year under the Trade Act, we make it more likely that unemployed workers can receive benefits in a timely manner. Without significant implementation and start-up time.

And by building on the historic agreement that we reached last year, we are more likely to have support for the structure and approach.

Let me be clear. This bill is not a major overhaul of the U.S. health care system that several Democratic Presidential candidates have outlined. It was not intended and does not seek to cover everyone in this country without health insurance.

Rather the proposal would use the money set aside in this year's budget for the uninsured—$50 billion—on a targeted policy that I believe both sides can agree on. It is a practical, principled, incremental solution.

WHY THE UNEMPLOYED?

According to the Labor Department, since February 2001, 2.6 million jobs have been lost. And with those jobs, an awful lot of health insurance has been lost, too.

Despite assertions by economists that the recession has ended and the economy is experiencing signs of improvement, the unemployment rate has remained stubbornly high—6.4 percent in June. In fact, we are hearing more and more talk of the same ''jobless recovery'' that we heard about following the recession in the early 1990s.

It is true that employment does not immediately improve when an economy emerges from recession. We read repeatedly that even if growth surges and business investment begins to take off tomorrow, the ranks of the unemployed may not thin for months.

Unfortunately, for many, many families, this means more weeks, if not months, of endless job searches. And a longer period of time without health coverage.

An estimated 46 percent of unemployed adults lack health insurance, or about 4 million unemployed workers. Less than one in three unemployed adults receives health coverage through their spouse or other family member.

And while 65 percent may qualify for COBRA continuation coverage, only 7 percent can afford to enroll. That is not surprising. Premiums for this coverage average almost $700 a month for family coverage and $250 for individual coverage. A very high price, given the average $1,100 monthly UI check.

Last year, when we debated the economic recovery package, both Republicans and Democrats proposed to expand health coverage for unemployed workers. There was almost universal agreement that this population deserved help and attention. So I think it's a good place for us to start from this year.

WHY A TAX CREDIT?

There's been a lot of debate about the best way to expand health insurance coverage to the uninsured. Most Democrats favor expanding public programs like Medicaid and CHIP, and harnessing the power of the group insurance market to provide affordable coverage options.

Most Republicans, however, favor a more market-based approach that gives the uninsured tax breaks and allows them to use the individual insurance market.

But, after years of logjams and disagreements, we were able to come together last year when we created the TAA tax credit. The TAA tax credit merges a market-based tax credit with the affordability of the group insurance market. This proposal simply builds on that progress. With the structures now in place to implement the TAA credit, a new tax credit for the unemployed can easily be incorporated into the new system.

CAVEATS

I realize that the TAA tax credit is not a perfect model. And we may need to make some adjustments as full implementation kicks in this summer. For example, we need to ensure that the groups we intended to cover actually have access to coverage.

In particular, all workers who had health insurance coverage for 3 months before they lost their jobs should be assured of coverage they qualify for under TAA. I support making the technical change that would provide that assurance.

I am also willing to consider other improvements, like additional help for low income workers.

But I do not think these adjustments should deter us from moving forward with an expansion of the tax credit. Millions of unemployed workers and their families need our help. And they need it now.

All told, expanding the TAA tax credit to the unemployed would provide health insurance coverage for 1.4 million Americans a month who are currently unemployed and uninsured. It's not a panacea. But it's a start.

I hope my colleagues will join this fight by helping us pass this legislation, and taking a solid step toward providing quality, affordable health insurance to all Americans.

By Mr. BROWNBACK:

S. 1694. A bill to amend title 38, United States Code to authorize the Secretary of Veterans Affairs to provide veterans who participated in certain Department of Defense chemical and biological warfare testing to be provided health care for illness without requirement for proof of service-connection; to the Committee on Veterans' Affairs.

Mr. BROWNBACK. Mr. President, I rise today to introduce the Health Care for Veterans of Project 112/Project SHAD Act of 2003. This bill will authorize health care assistance for veterans who participated in specific Department of Defense chemical and biological warfare testing without any requirements related to proof of service-connection for their illness.

Project 112 consisted of a series of cold war chemical, nuclear, and biological tests conducted both at sea and over land from 1962 to 1973. This project was one of 150 military initiatives designed to identify U.S. military personnel and warship vulnerabilities to chemical, nuclear, and biological attacks. Some of the tests that were part of Project 112/Operation Shipboard Hazard and Defense (SHAD) involved the use of dangerous agents such as sarin, VX, tularemia, and anthrax. The Defense Department has recognized that it does not have adequate documentation to prove that test participants were informed of the potential risks, or that personnel received adequate protective gear during testing.

After an extensive search for records to identify all tests conducted and link the dates of specific tests to the personnel on-board at the time, the DOD produced a comprehensive list of all tests conducted and each veteran involved in this project. In response to a VA request, DOD reviewed and declassified information concerning the exact agents used and other details of the Project 112 tests. This information was subsequently turned over to the Department of Veterans Affairs, and the VA began the process of contacting the veterans identified as participants.

A total of 5,842 persons were identified as having been present in one or more of the tests. All veterans who believe they were involved in tests and have medical concerns have been encouraged to contact VA to receive medical evaluations. Although Project 112 veterans suffer from a broad range of ailments from cancer to hypertension, a causal link between the tests and their current ailments has not been established. Due to the amount of time that has passed and the relatively small number of people involved in any specific test, it is highly unlikely that we will ever be able to fully determine the health effects from the tests.

It would be unconscionable to require Project 112 veterans to prove a connection between their involvement in these tests and their current health problems. If we cannot disprove a service connection, then we should assume

responsibility for their health care. This Health Care for Veterans of Project 112/Project SHAD Act of 2003 would provide priority access to VA hospital care, medical services, and nursing home care for veterans identified as participants in these tests, and not require medical evidence that any illnesses are attributable to such testing. This is an important step in bringing some finality to this issue and living up to our commitment to this group of veterans.

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. 1694

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 ''Health Care for Veterans of Project 112/Project SHAD Act of 2003''.

SEC. 2. PROVISION OF HEALTH CARE TO VETERANS WHO PARTICIPATED IN CERTAIN DEPARTMENT OF DEFENSE CHEMICAL AND BIOLOGICAL WARFARE TESTING.

Section 1710(e) of title 38, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

''(E) Subject to paragraphs (2) and (3), a veteran who participated in a test conducted by the Department of Defense Deseret Test Center as part of a program for chemical and biological warfare testing from 1962 through 1973 (including the program designated as 'Project Shipboard Hazard and Defense (SHAD)' and related land-based tests) is eligible for hospital care, medical services, and nursing home care under subsection (a)(2)(F) for any illness, notwithstanding that there is insufficient medical evidence to conclude that such illness is attributable to such testing.'';

(2) in paragraph (2)(B), by striking ''paragraph (1)(C) or (1)(D)'' and inserting ''subparagraph (C), (D), or (E) of paragraph (1)''; and

(3) in paragraph (3)—

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

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

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

''(D) in the case of care for a veteran described in paragraph (1)(E), after December 31, 2005.''.

By Mr. LEAHY (for himself, Mr. CRAIG, Mr. DURBIN, Mr. SUNUNU, and Mr. REID):

S. 1695. A bill to provide greater oversight over the USA PATRIOT Act; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am introducing with Senators CRAIG, SUNUNU, DURBIN, and REID, my distinguished colleagues from Idaho, New Hampshire, Illinois, and Nevada, the Patriot Oversight Restoration Act of 2003, a short bill whose singular but important purpose is to provide Congress the opportunity to take a hard look at the USA PATRIOT Act, which we passed in the anxious weeks following the devastating attacks of September 11, 2001. This bipartisan bill is moderate in scope; it would simply expand the sunset provision already enacted in the PATRIOT Act, to cover a number of additional provisions. The ensuing debate, however, should be considerable. My hope is that, before the sunset expires in December 2005, Congress will methodically revisit PATRIOT, with an eye toward achieving a suitable balance between the need to address the threat of terrorism and the need to protect our constitutional freedoms—and with the lessons of the past few years to guide us.

We recently marked the second anniversary of the September 11 attacks. As we reflect on that terrible day, and honor those who were lost, I strongly believe we should take stock of where we stand in our fight against terrorism. In the aftermath of the attacks, Congress and the administration did forge a constructive partnership to write the USA PATRIOT Act, which was meant to help our law enforcement and intelligence communities prevent future attacks from occurring. The PATRIOT Act represented our best efforts, under difficult circumstances, to balance the rights and liberties of the American people with the very urgent need to confront a threat to our Nation.

Even in balancing this tension, we granted the executive branch an unprecedented, vast new array of powers. We did so because we believed the administration's claim that it needed these powers to protect us, and because we trusted the administration's promise that it would use these powers appropriately. I noted at the time that PATRIOT was not the bill that I, or any of the sponsors, would have written if compromise were unnecessary. But I believed in the bill's purpose, and I gave it my vote and support. I worked hard to add checks and balances to many of its provisions, and did so.

Unfortunately, like many Members who supported the act—and like many Americans nationwide—I have come to feel disappointed. Since we passed the PATRIOT Act in October 2001, it has grown increasingly apparent that the trust and cooperation Congress provided to the executive branch has proved to be a one-way street. In the quarter-century that I have served in the Senate, no administration has been more secretive, more resistant to congressional oversight, and more disposed to acting unilaterally, without the approval of the American people or their democratically elected representatives. Despite the administration's unprecedented public relations campaign to promote the PATRIOT Act—including a 16-State, 18-city tour by the Attorney General himself—the administration has yet to show that it is using its PATRIOT powers wisely. Instead, it has been secretly drafting a sequel to PATRIOT that would grant it even more far-reaching powers.

I would never oppose an open discussion of any legislative tool that would help in the fight against terrorism. But for such a debate to be fruitful, we need to know more about the tools that are already available, including those created by the PATRIOT Act. Which are working, and how well? Which are not working, and why? Which, if any, struck the wrong balance, threatening the civil liberties of our citizens while doing little or nothing to keep our Nation secure?

Immediately after the PATRIOT Act passed, the administration draped a cloak of secrecy around its use. When lawmakers and citizens have attempted to start a dialogue on PATRIOT-related issues, the response has been to ignore, insult or derisively dismiss them.

Attorney General Ashcroft has repeatedly declined to appear before the Judiciary Committee to answer questions, and his Department is painfully slow to respond to written requests for information. To quote my friend Senator GRASSLEY, ''getting information from the Justice Department under Ashcroft is like pulling teeth.'' By ignoring oversight requests until answers are moot or outdated, and responding in only vague and conclusory fashion, if at all, the Justice Department frustrates our constitutional system of checks and balances, and sows the sort of public distrust that now accompanies the PATRIOT Act.

Just recently, in July, the Department dumped on committee members literally hundreds of pages of answers to questions that had been submitted to Attorney General Ashcroft and other senior Department officials following their testimony before the committee more than a year earlier. To give just one example of what a travesty it is when oversight questions remain unanswered for a year or more, the Department's responses dated July 17, 2003, devoted fully 15 pages to answering questions about Operation TIPS—an ill-conceived program that Congress had already terminated more than 8 months earlier.

Is the Department incapable of responding to congressional inquiries in a timely fashion? Is it deliberately stonewalling? Or does it simply believe that oversight is a game that it need not play?

Even more troubling, high-level administration officials have rashly suggested that anyone who dares to voice their concerns as unpatriotic, anti-American and pro-terrorist. In one of his rare appearances before the Senate Judiciary Committee, Attorney General Ashcroft charged that ''fear mongers''—those who were raising concern about the loss of civil liberties—were only aiding the terrorists. More recently, a Justice Department official dismissed the many local government resolutions condemning the PATRIOT Act by saying ''half are either in cities in Vermont, very small population, or in college towns in California. It's in a lot of the usual enclaves where you might see nuclear free zones, or they

probably passed resolutions against the war in Iraq.''

It is unfortunate that the Justice Department felt it appropriate to ridicule these grass-roots efforts to participate in an important national dialogue. The opportunity to engage in public discourse is one of the hallmark benefits of being an American, and I am proud that Vermont towns are among those dedicated to thinking about and acting on these important issues. But more importantly, the concerns expressed in my home State are being echoed by Americans nationwide. To date, anti-PATRIOT resolutions have been passed by 178 communities in 32 States including Idaho, New Hampshire, and Illinois. These communities represent millions upon millions of Americans, not just a few free-spirited Vermonters, as the Justice Department has insinuated.

Concerns about the administration's antiterror tactics are also shared by Members on both sides of aisle, many of whom supported the PATRIOT Act as well as the war in Iraq, but who now know that the administration has been less than forthright about what it has been doing in the name of the American people. In July, the House voted to nullify section 213 of the PATRIOT Act, which allows law enforcement to ask a court to delay notice of a search warrant where it could have certain adverse results. And several bills have been introduced in both Houses to roll back another PATRIOT Act provision, section 215, which gives federal agents new power to obtain records from libraries and bookstores. Remarkably, in response, the Justice Department then declassified information summarily reflecting that it has never used the Section 215 powers—despite expressing urgent ''need'' during pre-PATRIOT Act debate. And almost simultaneous to this announcement, the President urged support for an alternative record gathering power when Section 215 is still on the books. One has to question the inconsistencies in these two positions and whether Congress should blindly confer data gathering powers on an administration that does not provide a hint of factual support for such requests. There is overall a growing sense in the nation that Congress moved too fast in enacting the PATRIOT Act, and that the Justice Department moved too slowly in explaining its use of this sweeping legislation.

When we passed the PATRIOT Act in October 2001, I noted that Congress needed to exercise careful oversight of how the Justice Department, the FBI and other executive branch agencies used the newly expanded powers that the act provided. The need for oversight and accountability is the reason that former House Majority Leader Dick Armey and I insisted on a sunset provision for several key provisions in PATRIOT—provisions that blurred the lines between criminal investigation and intelligence gathering. We succeeded, but only in part; several PATRIOT provisions that should have been subject to the sunset—including a few that were sunset or even cut in the version of the bill reported by the House Judiciary Committee—were omitted from the sunset. As enacted, the sunset applies only to certain enhanced surveillance authorities in title II of the act.

The PATRIOT Oversight Restoration Act would extend PATRIOT's sunset provision to other enhanced surveillance provisions in title II of the act. These include subsections (a) and (c) of section 203, which authorize the disclosure of grand jury information to foreign enforcement, intelligence and immigration officials; sections 210 and 211, which broaden the types of information that law enforcement may obtain, upon request, from electronic communication service providers and cable service operators; section 213, which authorizes so-called ''sneak and peak''—delayed notification—search warrants; sections 216 and 222, which significantly expand when, where, and how law enforcement can obtain a pen register or trap and trace order; and section 219, which authorizes judges to sign search warrants for properties located outside their districts.

In addition to these title II provisions, the PATRIOT Oversight Restoration Act would also extend the sunset to a handful of provisions in titles IV, V, VIII and X of the PATRIOT Act. These provisions include sections 411 and 1006, which expand the Government's authority to declare certain persons inadmissible to the United States; section 412, which grants the Attorney General authority to ''certify'' that an alien is engaged in activity that endangers the national security, and to take such an alien into custody; section 505, which gives law enforcement greater authority to access telephone, bank, and credit records through the issuance of so-called ''National Security Letters,'' even if no criminal investigation is pending and without court review; sections 507 and 508, which remove certain privacy protections for educational records and surveys—called ''obstacles'' to investigating terrorism in the PATRIOT Act; section 802, which defines ''domestic terrorism'' in a way that could be read to include political protesters engaged in civil disobedience; section 806, which uses the aforementioned definition of ''domestic terrorism'' to expand the government's civil forfeiture authority; and section 1003, which references another section of PATRIOT that is already covered by the sunset.

With the PATRIOT Act, Congress provided government investigators with a virtual smorgasbord of new powers from which to choose. Is the Government gorging itself on the secretive powers allowed for ''foreign intelligence'' gathering, with their less onerous procedural requirements, rather than relying on bedrock criminal investigatory techniques that are subject to more rigorous review by the Federal courts? Have we provided too many choices and too much power to a limited few? These are questions that require answers before the more far-reaching provisions of PATRIOT are etched into stone.

The events of September 11, 2001, resound in our hearts and in our memories. We owe it to the American people to be circumspect in the powers and authorities we grant, even in the name of national security. Our country was attacked on September 11 because of the democratic principles that this country stands for and that we love. It would be a cruel twist of irony to abandon those principles in the guise of a law named ''PATRIOT'' that might prove to be anything but a defender or protector of those cherished rights and freedoms.

The PATRIOT Oversight Restoration Act offers a cautious and sensible solution to evolving fears about the PATRIOT Act. It will allow Congress to re-examine some of the important legal issues that abruptly confronted us in the weeks following September 11, and to re-assess our efforts with the benefit of hindsight and the luxury of time.

Mr. President, I ask unanimous consent that the text of the bill and an analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE PATRIOT OVERSIGHT RESTORATION ACT OF 2003

Extends the current sunset provision in section 224 of the USA PATRIOT Act (Pub. L. 107–56) to the following additional sections of that law.:

203(a) and (c), which authorize the disclosure of grand jury information to foreign enforcement, intelligence and immigration officials;

210 and 211, which broaden the types of information that law enforcement may obtain, upon request, from electronic communication service providers and cable service operators;

213, which authorizes so-called ''sneak and peak'' (delayed notification) search warrants;

216 and 222, which expand when, where, and how law enforcement can obtain a pen register or trap and trace order;

219, which authorizes judges to sign search warrants for properties located outside their districts;

358, which establishes greater reporting requirements by financial institutions for bank records and removes privacy protections under the law for the same records;

411 and 1006, which expand the government's authority to declare certain persons inadmissible to the United States;

412, which grants the Attorney General authority to ''certify'' that an alien is engaged in activity that endangers the national security, and to take such an alien into custody;

505, which gives law enforcement greater authority to access telephone, bank, and credit records through the issuance of so-called ''National Security Letters'';

507 and 508, which remove certain privacy protections for educational records and surveys;

802, which defines ''domestic terrorism'' in a way that could be read to include political protesters engaged in civil disobedience.

806, which uses the aforementioned definition of ''domestic terrorism'' to expand the government's civil forfeiture authority; and

1003, which references another section of PATRIOT (section 217, ''Interception of computer trespasser communications'') that is already covered by the sunset.

Clarifies that after these provisions sunset on December 31, 2005, the law shall revert to what it was before the USA PATRIOT Act was enacted.

S. 1695

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 ''PATRIOT Oversight Restoration Act of 2003''.

SEC. 2. EXTENSION AND CLARIFICATION OF PATRIOT SUNSET PROVISION.

The USA PATRIOT Act (Public Law 107–56) is amended by—

(1) striking section 224;

(2) adding at the end of title X the following:

''SEC. 1017. SUNSET.

''(a) IN GENERAL.—Except as provided in subsection (b), the following sections of this Act and any amendments made by such sections shall cease to have effect on December 31, 2005, and any provision of law amended or modified by such sections shall take effect January 1, 2006, as in effect on the day before the effective date of this Act:

''(1) In title II, all sections other than sections 201, 202, 204, 205, 208, and 221, and the first sentence of section 222.

''(2) In title III, section 358.

''(3) In title IV, sections 411 and 412.

''(4) In title V, sections 505, 507, and 508.

''(5) In title VIII, sections 802 and 806.

''(6) In this title, sections 1003 and 1006.

''(b) EXCEPTION.—With respect to any particular foreign intelligence investigation that began before the date on which the provisions referred to in subsection (a) cease to have effect, or with respect to any particular offense or potential offense that began or occurred before the date on which such provisions cease to have effect, such provisions shall continue in effect.''; and

(3) in the table of contents for such Act, by—

(A) striking the item for section 224 and inserting the following:

''Sec. 224. [Stricken see section 1017].'';

and

(B) inserting after the item for section 1016 the following:

''Sec. 1017. Sunset.''.

Mr. CRAIG. Mr. President, I am pleased to join the distinguished Senator from Vermont, Senator LEAHY, and our other colleagues in introducing the PATRIOT Oversight Restoration Act of 2003.

I am one of those who voted in favor of the USA PATRIOT Act to respond to the unprecedented, tragic attacks of September 11, 2001. However, even at the time of that vote, I raised my reservations about the new authorities being granted under the act, and pledged that there would be aggressive oversight by the legislative branch to make sure PATRIOTS implementation did not compromise civil liberties.

Since that time, this lengthy and complex law has been subjected to considerable dissection and discussion both inside and outside of Congress, and concerns have been raised about many of its provisions. The low boil of discontent around the Nation exploded in the other Chamber some weeks ago with a strong vote to prohibit the use of appropriated funds for requesting delayed notice of a search warrant under the act.

To its credit, the Bush administration has lately worked to address criticism of the law and demonstrate there have been no abuses by Federal law enforcement. I greatly appreciate those efforts and believe it is vitally important to continue that dialog with the Congress and the American people.

At the same time, in light of the serious concerns that have been raised, I think it is appropriate for us to add some triggers to the law that will force Congress to review and affirmatively renew these authorities. That is what the PATRIOT Oversight Restoration Act would accomplish, by sunsetting additional provisions that are not currently set to expire. I do not think this will create a burden for law enforcement; on the contrary, if these authorities are indeed critical to the protection of our Nation, it should not be difficult to convince Congress to renew them. Furthermore, the knowledge that such a case must be made at a time certain in the future will serve as an additional immediate check against potential abuses.

The security of our Nation is the first responsibility of the Federal Government. Our bill will ensure that responsibility is carried out thoughtfully and in our country's great tradition of balance and restraint in the enforcement of our laws. I urge all our colleagues to join us in supporting the PATRIOT Oversight Restoration Act.

By Mr. CAMPBELL (for himself and Mr. INOUYE)

S. 1696. A bill to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, today I am pleased to be joined by Senator INOUYE in introducing the Department of Health and Human Services Tribal Self Governance Amendments of 2003, a bill that will usher in the next phase in Indian Self Governance in health and health-related programs.

Up to 1970 the U.S. Government was the sole provider of all or nearly all services to Indian tribes and their members.

For many it is hard to recall that little more than 30 years ago the Federal bureaucracy and its employees provided all police, fire, resource husbandry, education, and health care services in Indian communities.

The effects on tribal governments were negative and, by crowding out the tribes, undermined tribal efforts at self-government.

The Federal monopoly in services was ended in 1970 when President Nixon issued his now-famous Special Message to Congress on Indian Affairs that called for a greater tribal role in designing and implementing Federal services and programs and in re-building tribal governments.

Nixon's Message led to the enactment of the Indian Self Determination and Education Assistance Act of 1975, Pub. L. 93–638.

Since then Congress has systematically devolved to Indian tribes the authority and responsibility to manage Federal programs and assume control over their own affairs.

Tribal Self Governance aims to foster strong tribal governments and healthy reservation economies as mechanisms to further tribal self-government. Self Governance has resulted in a reduction in the Federal bureaucracy and an improvement in the quality of services delivered to tribal members.

Instead of Federal micro-management, the Indian tribes can tailor the programs to unique local conditions and better serve their members.

For good reason, Tribal Self Governance has been embraced and expanded by Congress and the executive repeatedly with amendments enacted in 1984, 1988, 1994, and 2000.

Building on the solid successes of the early years, the amendments made permanent Self Governance in the Bureau of Indian Affairs and launched additional demonstrations in the Indian Health Service. In 2000, I introduced a bill that was enacted to make Self Governance in Health Care permanent at the IHS.

The bill I am introducing today will create a demonstration project for non-Indian Health Service programs in the Department of Health and Human Services.

I urge my colleagues to join me in supporting this important bill.

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. 1696

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 ''Department of Health and Human Services Tribal Self-Governance Amendments Act of 2003''.

SEC. 2. AMENDMENT.

The Indian Self-Determination and Education Assistance Act is amended by striking title VI (25 U.S.C. 450f note; Public Law 93–638) and inserting the following:

''TITLE VI—TRIBAL SELF-GOVERNANCE DEMONSTRATION PROJECT FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

''SEC. 601. DEFINITIONS.

''In this title:

''(1) COMPACT.—The term 'compact' means a compact under section 604.

''(2) CONSTRUCTION PROJECT.—The term 'construction project' has the meaning given the term in section 501.

''(2) DEMONSTRATION PROJECT.—The term 'demonstration project' means the demonstration project under this title.

''(3) FUNDING AGREEMENT.—The term 'funding agreement' means a funding agreement under section 604.

''(4) INCLUDED PROGRAM.—The term 'included program' means a program that is eligible for inclusion under a funding agreement under section 604(c) (including any portion of such a program and any function,

service, or activity performed under such a program).

''(5) INDIAN TRIBE.—The term 'Indian tribe', in a case in which an Indian tribe authorizes another Indian tribe, an inter-tribal consortium, or a tribal organization to plan for or carry out an included program on its behalf in accordance with section 603(a)(3), includes the other authorized Indian tribe, inter-tribal consortium, or tribal organization.

''(6) INTER-TRIBAL CONSORTIUM.—The term 'inter-tribal consortium' has the meaning given the term in section 501.

''(7) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

''(8) SELF-GOVERNANCE.—The term 'self-governance' has the meaning given the term in section 501.

''(9) TRIBAL SHARE.—The term 'tribal share' has the meaning given the term in section 501.

''SEC. 602. ESTABLISHMENT OF DEMONSTRATION PROJECT.

''(a) DEMONSTRATION.—For a period of not more than 5 years after the date of enactment of the Department of Health and Human Services Tribal Self-Governance Amendments Act of 2003, the Secretary shall carry out a project to demonstrate the effectiveness of tribal operation of the included programs under self-governance principles and authorities.

''(b) ADMINISTRATION.—The management and administration of the demonstration project shall be in the Office of the Secretary.

''SEC. 603. SELECTION OF PARTICIPATING INDIAN TRIBES.

''(a) IN GENERAL.—

''(1) CONTINUING PARTICIPATION.—Not more than 50 Indian tribes that meet the eligibility criteria specified in subsection (b) shall be entitled to participate in the demonstration project.

''(2) ADDITIONAL PARTICIPANTS.—If more than 50 eligible Indian tribes request participation, the Secretary may select additional Indian tribes to participate in the demonstration project.

''(3) OTHER AUTHORIZED INDIAN TRIBE, INTER-TRIBAL CONSORTIUM, OR TRIBAL GOVERNMENT.—If an Indian tribe authorizes another Indian tribe, an inter-tribal consortium, or a tribal organization to plan for or carry out an included program on its behalf under this title, the authorized Indian tribe, inter-tribal consortium, or tribal organization shall have the rights and responsibilities of the authorizing Indian tribe (except as otherwise provided in the authorizing resolution).

''(b) ELIGIBILITY.—An Indian tribe shall be eligible to participate in the demonstration project if the Indian tribe, as of the date of enactment of the Department of Health and Human Services Tribal Self-Governance Amendments Act of 2003, is a party to a compact or funding agreement under this Act.

''(c) SELECTION.—The Secretary shall select Indian tribes that request participation in the demonstration project by resolution or other official action by the governing body of each Indian tribe to be served.

''(d) PLANNING AND NEGOTIATION GRANTS.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall establish a program to allow Indian tribes that meet the eligibility requirements of this title to be awarded a planning grant or negotiation grant, or both.

''(2) RECEIPT OF GRANT NOT REQUIRED.—Receipt of a grant under paragraph (1) by an Indian tribe is not a requirement for the Indian tribe to participate in the demonstration project.

''SEC. 604. COMPACTS AND FUNDING AGREEMENTS.

''(a) IN GENERAL.—

''(1) NEW COMPACT AND FUNDING AGREEMENT.—Not later than 60 days after the date of submission by an Indian tribe of a request to participate in the demonstration project, the Secretary shall negotiate and enter into a written compact and funding agreement with the Indian tribe in a manner that is consistent with the trust responsibility of the Federal Government, treaty and statutory obligations, and the government-to-government relationship between Indian tribes and the United States.

''(2) EXISTING COMPACT.—Rather than enter into a new compact under paragraph (1), an Indian tribe may use an existing compact negotiated under title V for purposes of the demonstration project.

''(b) COMPACTS.—

''(1) CONTENTS.—A compact under subsection (a) shall designate—

''(A) congressional policies regarding tribal self-governance;

''(B) the intent of the demonstration project;

''(C) such terms as shall control from year to year; and

''(D) any provisions of this title that are requested by the Indian tribe.

''(2) EFFECTIVE DATE.—The effective date of a compact shall be the date of execution by the Indian tribe and the Secretary or another date agreed on by the parties.

''(3) DURATION.—A compact shall remain in effect so long as permitted by Federal law or until terminated by agreement of the parties.

''(4) AMENDMENT.—A compact may be amended only by agreement of the parties.

''(c) FUNDING AGREEMENTS.—

''(1) SCOPE.—A funding agreement under subsection (a) shall, at the option of the Indian tribe, authorize the Indian tribe to plan, conduct, and administer included programs administered by the Secretary through an agency of the Department of Health and Human Services, set forth in paragraphs (2) through (4).

''(2) INITIAL INCLUDED PROGRAMS.—The following programs are eligible for inclusion in a funding agreement under this title:

''(A) ADMINISTRATION ON AGING.—Grants for Native Americans under title VI of the Older Americans Act of 1965 (42 U.S.C. 3057 et seq.);

''(B) ADMINISTRATION FOR CHILDREN AND FAMILIES.—

''(i) The tribal temporary assistance for needy families program under section 412(a)(1) of the Social Security Act (42 U.S.C. 612(a)(1) et seq.).

''(ii) The Low-Income Home Energy Assistance Program under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

''(iii) The Community Services Block Grant Program under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.).

''(iv) The Child Care and Development Fund under the Child Care and Development Block Grant Act (42 U.S.C. 9858 et seq.).

''(v) The native employment works program under section 412(a)(2) of the Social Security Act (42 U.S.C. 612(a)(2)).

''(vi) The Head Start Program under the Head Start Act (42 U.S.C. 9831 et seq.).

''(vii) Child welfare services programs under part B of title IV of the Social Security Act (42 U.S.C. 620 et seq.).

''(viii) The promoting safe and stable families program under part B of title IV of the Social Security Act (42 U.S.C. 620 et seq.).

''(ix) Family violence prevention grants for battered women's shelters under the Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.);

''(C) SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION.—Targeted capacity expansion program under title V of the Public Health Service Act (42 U.S.C. 290aa et seq.);

''(D) BLOCK GRANTS REGARDING MENTAL HEALTH AND SUBSTANCE ABUSE.—Mental health and substance abuse block grant programs under title XIX of the Public Health Services Act (42 U.S.C. 300x et seq.);

''(E) HEALTH RESOURCES AND SERVICES ADMINISTRATION.—Community health center grants under section 330 of the Public Health Service Act (42 U.S.C. 254b).

''(3) ADDITIONAL INCLUDED PROGRAMS.—The Secretary may identify not more than 6 additional programs annually for inclusion in the demonstration project, including—

''(A) all other programs in which Indian tribes are eligible to participate;

''(B) all other programs for which Indians are eligible beneficiaries; and

''(C) competitive grants for which an Indian tribe receives an individual or cooperative award, on the condition that the Indian tribe agree in the funding agreement to restrictions regarding program redesign and budget reallocation for any competitive awards.

''(4) CONTENTS.—A funding agreement—

''(A) shall specify—

''(i) the services to be provided;

''(ii) the functions to be performed; and

''(iii) the responsibilities of the Indian tribe and the Secretary;

''(B) shall provide for payment by the Secretary to the Indian tribe of funds in accordance with section 605;

''(C) shall not allow the Secretary to waive, modify, or diminish in any way the trust responsibility of the United States with respect to Indian tribes and individual Indians that exist under treaties, Executive orders, and Acts of Congress; and

''(D) shall allow for retrocession of included programs under section 105(e).

''SEC. 605. TRANSFER OF FUNDS.

''(a) TRANSFER.—

''(1) IN GENERAL.—Under any compact or funding agreement entered into under this title, the Secretary shall transfer to the Indian tribe all funds provided for in the funding agreement.

''(2) TIMING.—Unless the funding agreement provides otherwise, at the request of the Indian tribe—

''(A) funding shall be paid in 1 annual lump sum payment; and

''(B) the transfer shall be made not later than 10 days after the apportionment of funds by the Office of Management and Budget to the Department of Health and Human Services.

''(b) AMOUNT OF FUNDING.—

''(1) FUNDING FORMULAS.—

''(A) IN GENERAL.—Any statutory funding formula for an included program—

''(i) shall be waived for the demonstration project under this title; and

''(ii) shall be used to determine the amount of funding provided to an Indian tribe.

''(B) ADEQUACY.—Subject to the availability of appropriations—

''(i) the funding amount shall be adequate to permit the successful implementation of the demonstration project; and

''(ii) the Secretary and the participating Indian tribe shall determine the funding amount through negotiation.

''(2) MATCHING REQUIREMENT.—An Indian tribe may request a waiver of any matching requirement applicable to an included program, and the Secretary shall liberally grant such reasonable waiver requests.

''(3) CONTRACT SUPPORT COSTS.—There shall be added to the amount required by paragraph (1) contract support costs as specified in paragraphs (2), (3), (5), and (6) of section 106(a).

''(4) ADMINISTRATIVE FUND SHARES.—

''(A) IN GENERAL.—An Indian tribe may negotiate for a tribal share of administrative

funds without regard to the organizational level at which the included programs are carried out.

''(B) INCLUSION.—A tribal share under subparagraph (A) shall include a share for training and technical assistance services performed by a contractor.

''SEC. 606. GENERAL PROVISIONS.

''(a) REDESIGN, CONSOLIDATION, AND REALLOCATION.—

''(1) IN GENERAL.—To the extent allowed under the statutory provisions of the included programs included in the funding agreement, and subject to the terms of the funding agreement, an Indian tribe may—

''(A) redesign or consolidate the included programs under the funding agreement if the Indian tribe agrees to abide by the statutory purposes of the program; and

''(B) reallocate or redirect funds for the included programs, among the included programs under the funding agreement, so long as all demonstration project costs using those funds meet allowable cost standards as required by section 506(c).

''(2) WAIVERS.—

''(A) IN GENERAL.—At the request of an Indian tribe, if the Secretary determines that a waiver would further the purposes of this Act, the Secretary shall grant a waiver of program requirements for the duration of the demonstration project to facilitate the ability of an Indian tribe to redesign included programs or reallocate funds under paragraph (1).

''(B) DOCUMENTATION.—The Secretary shall document all requests for a waiver under subparagraph (A), including a description of—

''(i) the reasons for each request;

''(ii) the effect of the waiver on the Indian tribe making the request; and

''(iii) the views of the Indian tribe regarding the requested waiver.

''(b) INABILITY TO AGREE ON COMPACT OR FUNDING AGREEMENT.—

''(1) FINAL OFFER.—If the Secretary and an Indian tribe are unable to agree, in whole or in part, on the terms of a compact or funding agreement (including funding levels), the Indian tribe may submit a final offer to the Secretary.

''(2) DETERMINATION.—Not later than 45 days after the date of submission of a final offer, or as otherwise agreed to by the Indian tribe, the Secretary shall review and make a determination with respect to the final offer.

''(3) NO TIMELY DETERMINATION.—If the Secretary fails to make a determination with respect to a final offer within the time specified in paragraph (2), the Secretary shall be deemed to have agreed to the final offer.

''(4) REJECTION OF FINAL OFFER.—

''(A) IN GENERAL.—If the Secretary rejects a final offer, the Secretary shall—

''(i) submit to the Indian tribe a written statement clearly setting forth the reasons for rejecting the final offer; and

''(ii) provide the Indian tribe with a hearing on the record (except that the Indian tribe may, in lieu of such a hearing, file an appeal of the rejection to the Intra-Departmental Council on Native American Affairs, the decision of which shall be final and not subject to judicial review).

''(B) BURDEN OF PROOF.—In a hearing or appeal under subparagraph (A)(ii), the Secretary shall have the burden of proving by clear and convincing evidence the validity of the grounds for rejecting the final offer.

''(c) OTHER FUNDING.—Participation by an Indian tribe in the demonstration project under this title shall not affect the amount of funding that the Indian tribe would receive under the laws (including regulations) governing the included programs if the Indian tribe did not participate.

''(d) DUPLICATION OF ELIGIBILITY.—To the maximum extent practicable, an Indian tribe shall make efforts to coordinate with appropriate States to identify dually eligible individuals to address the potential for the provision of duplicate benefits.

''(e) APPEALS.—Except as provided in subsection (b)(2), a compact or funding agreement under this title shall be considered to be a contract for the purposes of section 110.

''(f) REGULATIONS; OTHER AGENCY STATEMENTS.—

''(1) REGULATIONS.—An Indian tribe shall comply with final regulations for the included programs in connection with the demonstration project.

''(2) OTHER AGENCY STATEMENTS.—Unless expressly agreed to by an Indian tribe in a compact or funding agreement, the Indian tribe shall not be subject to any agency circular, policy, manual, guidance, or rule that is promulgated by regulation.

''(g) APPLICABILITY OF OTHER PROVISIONS.—The following provisions of this Act shall apply to a compact or funding agreements entered into under this title:

''(1) Section 102(d).

''(2) Section 506(b) (conflicts of interest).

''(3) Section 506(c)(1) (Single Agency Audit Act).

''(4) Section 506(c)(2) (cost principles).

''(5) Section 506(c) (records).

''(6) Section 507(c)(1)(A) (grounds for rejecting a final offers).

''(7) Section 508(g) (prompt payment).

''(8) Section 506(h) (nonduplication).

''(9) Section 508(h) (interest or other income on transfers).

''(10) Section 508(i) (carryover of funds).

''(11) Section 509 (construction projects)

''(12) Section 510 (Federal procurement laws)

''(13) Section 512(b) (regulation waivers).

''SEC. 607. REPORT.

''(a) IN GENERAL.—The Secretary shall annually submit to Congress a report on the relative costs and benefits of the demonstration project using evaluation and reporting data provided by participating Indian tribes.

''(b) BASELINE MEASUREMENTS.—

''(1) IN GENERAL.—A report under subsection (a) shall be based on baseline measurements developed jointly by the Secretary and participating Indian tribes.

''(2) FINANCIAL ASSISTANCE.—The Secretary shall provide financial assistance to Indian tribes to assist Indian tribes in evaluating and reporting on the demonstration project.

''(c) CONTENTS.—A report under subsection (a) shall—

''(1) verify that the participating Indian tribes met the statutory purposes of the included programs;

''(2) confirm that key self-governance principles were carried out as Indian tribes operated the included programs; and

''(3) separately include Federal and tribal viewpoints regarding—

''(A) the merger of included programs operated under this title and self-governance principles; and

''(B) the impact on program beneficiaries.

''SEC. 608. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated such sums as are necessary to carry out this title, to remain available until expended.''.

By Mr. DODD (for himself, Mr. SARBANES, and Mr. REED):

S. 1697. A bill to establish the elderly housing plus health support demonstration program to modernize public housing for elderly and disabled persons; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DODD. Mr. President, I rise today to introduce a bill that will help address a growing problem in America—our ability to provide safe and affordable housing that meets the needs of older Americans. Currently there are 35 million Americans over 65 years old. That number will double within the next 30 years. By 2030, 20 percent of the U.S. population will be over 65 years old.

Nearly one third of all public housing units are occupied by senior citizens. This figure has been steadily growing in recent years and will undoubtedly continue to grow in the future. It is critically important that we remain committed to providing low-income seniors with safe and affordable housing.

The bill I am introducing will promote the development of assisted living programs to provide a wide range of services, including medical assistance, housekeeping services, hygiene and grooming, and meals preparation. Providing these services will in turn give older Americans greater opportunities to decide for themselves where they live and how they exercise their independence.

The Elderly Housing Plus Supportive Health Support Demonstration Act, will provide Federal grants to allow public housing authorities around the country to develop new strategies for providing better housing for senior citizens. The bill will give public housing authorities the tools they need to improve our public housing stock so our seniors will not be prematurely forced out of their homes. The bill authorizes competitive grants through the Department of Housing and Urban Development to upgrade and reconfigure elderly buildings, and buildings with elderly and non-elderly disabled residents. The bill will also provide funding for service coordinators and/or congregate services programs.

Unfortunately, as we examine the public housing stock across the country from the perspective of older Americans, we find a bleak situation. Over 66 percent of existing public housing units are more than 30 years old and most are not designed to meet the needs of older Americans. For example, too few of our housing units are equipped to facilitate mobility for those in wheelchairs. Even such simple things as having a kitchen counter top that can be reached from a wheelchair may make the difference between a senior being able to stay in his or her home or having to leave, often to be sent to an institution where seniors have less independence and control over their lives.

Because most public housing seniors are Medicaid-eligible, the bill will also open a path to reducing Medicaid costs, 42 percent of which goes to housing elders in costly nursing homes. The cost to the Medicaid program of a beneficiary living in public housing converted to assisted living has been shown to be as much as one-third that paid to a nursing home on a long-term per capita basis.

The scarceness of affordable assisted living units has other social costs that we must consider as we set national housing policies for the future. Often, the cost of taking care of an aging family member can be devastating to American families. Too often, working men and women are torn between the need to maintain their jobs and the desire to provide the best possible care to their aging family members.

Advances in medicine are allowing us to live longer, healthier lives. Longevity is a great blessing, but it also poses significant challenges for individuals, families, and society as whole. One of the greatest challenges we will face in the decades ahead is the challenge of developing new kinds of housing that respond to the needs of our growing elderly population.

It is my hope that this bill will generate earnest discussion on these important matters and will ultimately lead to action to ensure that every American senior can live in security and dignity.

I ask unanimous consent that the text of the Elderly Housing Plus Health Support Demonstration Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1697

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 ''Elderly Housing Plus Health Support Demonstration Act''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there are at least 34,100,000 Americans who are 65 years of age and older, and persons who are 85 years of age or older comprise almost one-quarter of that population;

(2) the Bureau of the Census of the Department of Commerce estimates that, by 2030, the elderly population will double to 70,000,000 persons;

(3) according to the Department of Housing and Urban Development report ''Housing Our Elders—A Report Card on the Housing Conditions and Needs of Older Americans'', the largest and fastest growing segments of the older population include many people who have historically been vulnerable economically and in the housing market—women, minorities, and people over the age of 85;

(4) many elderly persons are at significant risk with respect to the availability, stability, and accessibility of affordable housing;

(5) one-third of public housing residents are approximately 62 years of age or older, making public housing the largest Federal housing program for senior citizens;

(6) the elderly population residing in public housing is older, poorer, frailer, and more racially diverse than the elderly population residing in other assisted housing;

(7) two-thirds of the public housing developments for the elderly, including those that also serve the disabled, were constructed before 1970 and are in dire need of major rehabilitation and configuration, such as rehabilitation to provide new roofs, energy-efficient heating, cooling, utility systems, accessible units, and up-to-date safety features;

(8) many of the dwelling units in public housing developments for elderly and disabled persons are undersized, are inaccessible to residents with physical limitations, do not comply with the requirements under the Americans with Disabilities Act of 1990, or lack railings, grab bars, emergency call buttons, and wheelchair accessible ramps;

(9) a study conducted for the Department of Housing and Urban Development found that the cost of the basic modernization needs for public housing for elderly and disabled persons exceeds $5,700,000,000;

(10) a growing number of elderly and disabled persons face unnecessary institutionalization because of the absence of appropriate supportive services and assisted living facilities in their residences;

(11) for many elderly and disabled persons, independent living in a non-institutionalization setting is a preferable housing alternative to costly institutionalization, and would allow public monies to be more effectively used to provide necessary services for such persons;

(12) congregate housing and supportive services coordinated by service coordinators is a proven and cost-effective means of enabling elderly and disabled persons to remain in place with dignity and independence;

(13) the effective provision of congregate services and assisted living in public housing developments requires the redesign of units and buildings to accommodate independent living;

(14) most of the elderly who reside in public housing are eligible for Medicaid to pay for the cost of their being institutionalized in nursing homes;

(15) nursing home costs now exceed 42 percent of the entire Medicaid program; and

(16) by providing a nursing home resident the choice of assisted living in public housing instead, the Federal Government can save as much as three-quarters of the long term per capita Medicaid costs and at the same time allow a frail senior to age in place.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish a demonstration program to make competitive grants to provide state-of-the-art, health-supportive housing with assisted living opportunities for elderly and disabled persons;

(2) to provide funding to enhance, make safe and accessible, and extend the useful life of public housing developments for the elderly and disabled and to increase their accessibility to supportive services;

(3) to provide elderly and disabled public housing residents a readily available choice in living arrangements by utilizing the services of service coordinators and providing a continuum of care that allows such residents to age in place;

(4) to incorporate congregate housing service programs more fully into public housing operations; and

(5) to accomplish such purposes and provide such funding under existing provisions of law that currently authorize all activities to be conducted under the program.

SEC. 3. DEFINITIONS.

In this Act:

(1) ASSISTED LIVING FACILITY.—The term ''assisted living facility'' means any public housing project for the elderly, or for the elderly and the non-elderly disabled, that is operated in accordance with applicable laws and provides to the residents any combination of the following services:

(A) Meal service adequate to meet nutritional need.

(B) Housekeeping aid.

(C) Personal assistance.

(D) Transportation services.

(E) Health-related services.

(F) Such other services as are considered important for maintaining independent living.

(2) ELDERLY AND DISABLED FAMILIES.—The term ''elderly and disabled families'' means families in which 1 or more persons is an elderly person or a person with disabilities.

(3) ELDERLY PERSON.—The term ''elderly person'' means a person who is 62 years of age or older.

(4) PERSON WITH DISABILITIES.—The term ''person with disabilities'' has the same meaning as in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)).

(5) PUBLIC HOUSING AGENCY.—The term ''public housing agency'' has the same meaning as in section 3(b)(6)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)(A)).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

SEC. 4. AUTHORITY FOR ELDERLY HOUSING PLUS HEALTH SUPPORT PROGRAM.

The Secretary shall establish an elderly housing plus health support demonstration program (referred to in this Act as the ''demonstration program'') in accordance with this Act to provide coordinated funding to public housing projects for elderly and disabled families selected for participation under section 5, to be used for—

(1) rehabilitation or re-configuration of such projects or the acquisition and rehabilitation of an existing assisted living facility in cases where the public housing agency has no elderly housing stock suitable for conversion;

(2) the provision of space in such projects for supportive services and community and health facilities;

(3) the provision of service coordinators for such projects; and

(4) the provision of congregate services programs in or near such projects.

SEC. 5. PARTICIPATION IN PROGRAM.

(a) APPLICATION AND PLAN.—To be eligible to be selected for participation in the demonstration program, a public housing agency shall submit to the Secretary—

(1) an application, in such form and manner as the Secretary shall require; and

(2) a plan for the agency that—

(A) identifies the public housing projects for which amounts provided under this Act will be used, limited to projects that are designated or otherwise used for occupancy—

(i) only by elderly families; or

(ii) by both elderly families and disabled families; and

(B) provides for local agencies or organizations to establish or expand the provision of health-related services or other services that will enhance living conditions for residents of public housing projects of the agency, primarily in the project or projects to be assisted under the plan.

(b) SELECTION AND CRITERIA.—

(1) SELECTION.—The Secretary shall select public housing agencies for participation in the demonstration program based upon a competition among public housing agencies that submit applications for participation.

(2) CRITERIA.—The competition referred to in paragraph (1) shall be based upon—

(A) the extent of the need for rehabilitation or re-configuration of the public housing projects of an agency that are identified in the plan of the agency pursuant to subsection (a)(2)(A);

(B) the past performance of an agency in serving the needs of elderly public housing residents or non-elderly, disabled public housing residents given the opportunities in the locality;

(C) the past success of an agency in obtaining non-public housing resources to assist such residents given the opportunities in the locality; and

(D) the effectiveness of the plan of an agency in creating or expanding services described in subsection (a)(2)(B).

SEC. 6. CONFIGURATION AND CAPITAL IMPROVEMENTS.

(a) GRANTS.—

(1) IN GENERAL.—The Secretary shall make grants to public housing agencies selected for participation under section 5, to be used only—

(A) for capital improvements to rehabilitate or configure public housing projects identified in the plan submitted under section 5(a)(2)(A);

(B) to provide space for supportive services and for community and health-related facilities primarily for the residents of projects identified in the plan submitted under section 5(a)(2)(A); and

(C) for the cost of acquisition by a public housing agency of an existing assisted living facility that is in need of rehabilitation in cases where the public housing agency has no elderly housing stock suitable for conversion.

(2) SOURCE OF FUNDS.—Grants shall be made under this section from funds made available for the demonstration program in accordance with subsection (c).

(3) INAPPLICABILITY OF OTHER PROVISIONS.—Section 9(c)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437g(c)(1)) does not apply to grants made under this section.

(b) ALLOCATION.—Grants funded in accordance with this section shall—

(1) be allocated among public housing agencies selected for participation under section 5 on the basis of the criteria established under section 5(b)(2); and

(2) be made in such amounts and subject to such terms as the Secretary shall determine.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the demonstration program, to make grants in accordance with this section—

(1) $100,000,000 for fiscal year 2004; and

(2) such sums as may be necessary for fiscal year 2005 and each subsequent fiscal year.

SEC. 7. SERVICE COORDINATORS.

(a) GRANTS.—

(1) IN GENERAL.—The Secretary shall make grants to public housing agencies selected for participation under section 5, to be used only—

(A) for public housing projects for elderly and disabled families for whom capital assistance is provided under section 6; and

(B) to provide service coordinators and related activities identified in the plan of the agency pursuant to section 5(a)(2), so that the residents of such public housing projects will have improved and more economical access to services that support the health and well-being of the residents.

(2) SOURCE OF FUNDS.—Grants shall be made under this section from funds made available for the demonstration program in accordance with subsection (c).

(3) INAPPLICABILITY OF OTHER PROVISIONS.—Section 9(c)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437g(c)(1)) does not apply to grants made under this section.

(b) ALLOCATION.—The Secretary shall provide a grant pursuant to this section, in an amount not to exceed $100,000, to each public housing agency that is selected for participation under section 5.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the demonstration program, to make grants in accordance with this section—

(1) $2,000,000 for fiscal year 2004; and

(2) such sums as may be necessary for fiscal year 2005 and each subsequent fiscal year.

SEC. 8. CONGREGATE HOUSING SERVICES PROGRAMS.

(a) GRANTS.—

(1) IN GENERAL.—The Secretary shall make grants to public housing agencies selected for participation under section 5, to be used only—

(A) in connection with public housing projects for elderly and disabled families for which capital assistance is provided under section 6; and

(B) to carry out a congregate housing service program identified in the plan of the agency pursuant to section 5(a)(2) that provides services as described in section 202(g)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(g)(1)).

(2) SOURCE OF FUNDS.—Grants shall be made under this section from funds made available for the demonstration program in accordance with subsection (c).

(3) INAPPLICABILITY OF OTHER PROVISIONS.—Other than as specifically provided in this section—

(A) section 9(c)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437g(c)(1)) does not apply to grants made under this section; and

(B) section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) does not apply to grants made under this section.

(b) ALLOCATION.—The Secretary shall provide a grant pursuant to this section, in an amount not to exceed $150,000, to each public housing agency that is selected for participation under section 5.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the demonstration program, to make grants in accordance with this section—

(1) $3,000,000 for fiscal year 2004; and

(2) such sums as may be necessary for fiscal year 2005 and each subsequent fiscal year.

SEC. 9. SAFEGUARDING OTHER APPROPRIATIONS.

Amounts authorized to be appropriated under this Act to carry out this Act are in addition to any amounts authorized to be appropriated under any other provision of law, or otherwise made available in appropriations Acts, for rehabilitation of public housing projects, for service coordinators for public housing projects, or for congregate housing services programs.

By Mr. ENZI (for himself, Mr. GREGG, Mr. BOND, and Mr. SANTORUM):

S. 1698. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, with the passage of the Sarbanes-Oxley Act, Congress acted swiftly and surely to restore investor confidence in our capital markets. Something needed to be done to assure people that it was OK for them to start investing in and relying on the market again. People wanted to feel certain that the rules had been fixed and the market was fair for all.

Although I am proud we were able to do that, we all knew that there was still more that needed to be done to help the millions of American workers whose retirement savings are fueled by the financial markets.

There's a gap that still threatens the retirement security of the 42 million Americans who participate in defined contribution plans, like 401(k) plans. In defined contribution plans, the employee—not the employer—decides how much and how to invest retirement assets. As anyone who has been investing their hard earned dollars through their employer provided plans knows, there are quite a few choices out there. They each have their own risks and rewards, but they have one thing in common—they require an employee who is investing his or her pay to have a good sense of the market. Employees find themselves having to navigate bull and bear markets, weather changes in personal and professional circumstances, and use long-term planning to set a course that leads to retirement security.

401(k) plans provide great opportunity as well as risk. The difference between the employee who can maximize opportunity and minimize risk and the employee who cannot is sound investment advice. Unfortunately, only 16 percent of plan participants have an investment advisory service available to them through their retirement plans. This survey by the Spectrum Group confirms the existence of an advice gap that must be addressed. The legislation I am introducing today is intended to close the advice gap and help workers choose wisely and chart their course to retirement security.

Both workers and employers are acutely aware of the advice gap. According to the 2002 Transamerica Small Business Retirement Survey, 76 percent of employees felt they don't know as much about retirement investing as they should—up from 65 percent in 2001. This view is held even more strongly by employers, with 91 percent believing their workers don't know enough about retirement investing.

There is another gap that exists with respect to retirement investment advice. Wealthier individuals or high-level executives are more likely to have access to quality investment advice than rank-and-file workers. The Retirement Security Advice Act of 2003 will bring access to quality investment advice, and thereby retirement security, to rank-and-file workers who need it most, particularly those employed at small businesses.

Access to investment advice has not kept pace with either the increasing number of workers participating in 401(k) plans or the increasing complexity of investment options. What accounts for the gulf between the need for and the supply of investment advice?

The 1974 Employee Retirement Income Security Act (ERISA) imposes outdated barriers to the provision of investment advice to workers participating in 401(k) plans. ERISA prevents investment advisors who have an affiliation with the investment options available under the plan from providing investment advice to plan participants. This restriction might have

seemed reasonable in 1974 when retirement plans were dominated by traditional defined benefit pension plans. However, the explosion in 401(k) plans—and thus the need to provide workers with investment advice services—was not imagined in 1974.

This bill will allow employers to provide their employees with access to quality investment advice so long as the advisors fully and clearly disclose their fees and any potential conflicts of interest. Furthermore, investment advisors are subject to ERISA's stringent fiduciary obligations, which requires them to act solely in the best interest of plan participants. Investment advisors who breach this fiduciary duty are subject to a lawsuit by the worker, another plan fiduciary, the plan itself, or the Department of Labor. Employers also have the fiduciary obligation of prudently selecting and periodically reviewing advice providers.

Let us remember that workers are not required to either seek or follow the investment advice. All advice given is strictly voluntary. With clear and full disclosure of fee arrangements and potential conflicts of interest, plan participants can decide for themselves whether or not to act on it.

Some of my colleagues might argue that only independent investment advisors should be allowed to provide investment advice to plan participants. This ignores both the realities of the marketplace for investment advice and the needs of employees and employers. Excluding many of the most qualified financial services companies from offering investment advice to plan participants will leave a large void in the 401(k) advice marketplace. Conversely, increasing competition in this marketplace will promote better quality and lower costs—both to the benefit of plan participants.

Restricting the provision of investment advice services to independent advisors ensures that the advice gap will remain wide—particularly at small businesses. Employers would be required to look outside of their plan's current administrative arrangement and hire another financial institution to provide investment advice services to employees. For small companies like those in Wyoming, meeting this criteria would be almost impossible. Small employers face unique resource and personnel limitations. The cost of researching, selecting, and paying for the services of an independent advice provider will deter small employers from providing this valued benefit to employees.

The key to retirement security for 401(k) participants is quality investment advice, tailored to the needs of each worker. The key to expanding the number of workers getting such advice is increasing competition in the marketplace for investment advice while providing meaningful protection and disclosure to workers. The Retirement Security Advice Act will open the door to both.

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. 1698

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be cited as the ''Retirement Security Advice Act of 2003''.

SEC. 2. PROHIBITED TRANSACTION EXEMPTION FOR THE PROVISION OF INVESTMENT ADVICE.

(a) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) EXEMPTION FROM PROHIBITED TRANSACTIONS.—Section 408(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(b)) is amended by adding at the end the following new paragraph:

''(14)(A) Any transaction described in subparagraph (B) in connection with the provision of investment advice described in section 3(21)(A)(ii), in any case in which—

''(i) the investment of assets of the plan is subject to the direction of plan participants or beneficiaries,

''(ii) the advice is provided to the plan or a participant or beneficiary of the plan by a fiduciary adviser in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of plan assets, and

''(iii) the requirements of subsection (g) are met in connection with the provision of the advice.

''(B) The transactions described in this subparagraph are the following:

''(i) the provision of the advice to the plan, participant, or beneficiary;

''(ii) the sale, acquisition, or holding of a security or other property (including any lending of money or other extension of credit associated with the sale, acquisition, or holding of a security or other property) pursuant to the advice; and

''(iii) the direct or indirect receipt of fees or other compensation by the fiduciary adviser or an affiliate thereof (or any employee, agent, or registered representative of the fiduciary adviser or affiliate) in connection with the provision of the advice or in connection with a sale, acquisition, or holding of a security or other property pursuant to the advice.''.

(2) REQUIREMENTS.—Section 408 of such Act is amended further by adding at the end the following new subsection:

''(g) REQUIREMENTS RELATING TO PROVISION OF INVESTMENT ADVICE BY FIDUCIARY ADVISERS.—

''(1) IN GENERAL.—The requirements of this subsection are met in connection with the provision of investment advice referred to in section 3(21)(A)(ii), provided to an employee benefit plan or a participant or beneficiary of an employee benefit plan by a fiduciary adviser with respect to the plan in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of amounts held by the plan, if—

''(A) in the case of the initial provision of the advice with regard to the security or other property by the fiduciary adviser to the plan, participant, or beneficiary, the fiduciary adviser provides to the recipient of the advice, at a time reasonably contemporaneous with the initial provision of the advice, a written notification (which may consist of notification by means of electronic communication)—

''(i) of all fees or other compensation relating to the advice that the fiduciary adviser or any affiliate thereof is to receive (including compensation provided by any third party) in connection with the provision of the advice or in connection with the sale, acquisition, or holding of the security or other property,

''(ii) of any material affiliation or contractual relationship of the fiduciary adviser or affiliates thereof in the security or other property,

''(iii) of any limitation placed on the scope of the investment advice to be provided by the fiduciary adviser with respect to any such sale, acquisition, or holding of a security or other property,

''(iv) of the types of services provided by the fiduciary adviser in connection with the provision of investment advice by the fiduciary adviser,

''(v) that the adviser is acting as a fiduciary of the plan in connection with the provision of the advice, and

''(vi) that a recipient of the advice may separately arrange for the provision of advice by another adviser, that could have no material affiliation with and receive no fees or other compensation in connection with the security or other property,

''(B) the fiduciary adviser provides appropriate disclosure, in connection with the sale, acquisition, or holding of the security or other property, in accordance with all applicable securities laws,

''(C) the sale, acquisition, or holding occurs solely at the direction of the recipient of the advice,

''(D) the compensation received by the fiduciary adviser and affiliates thereof in connection with the sale, acquisition, or holding of the security or other property is reasonable, and

''(E) the terms of the sale, acquisition, or holding of the security or other property are at least as favorable to the plan as an arm's length transaction would be.

''(2) STANDARDS FOR PRESENTATION OF INFORMATION.—

''(A) IN GENERAL.—The notification required to be provided to participants and beneficiaries under paragraph (1)(A) shall be written in a clear and conspicuous manner and in a manner calculated to be understood by the average plan participant and shall be sufficiently accurate and comprehensive to reasonably apprise such participants and beneficiaries of the information required to be provided in the notification.

''(B) MODEL FORM FOR DISCLOSURE OF FEES AND OTHER COMPENSATION.—The Secretary shall issue a model form for the disclosure of fees and other compensation required in paragraph (1)(A)(i) which meets the requirements of subparagraph (A).

''(3) EXEMPTION CONDITIONED ON MAKING REQUIRED INFORMATION AVAILABLE ANNUALLY, ON REQUEST, AND IN THE EVENT OF MATERIAL CHANGE.—The requirements of paragraph (1)(A) shall be deemed not to have been met in connection with the initial or any subsequent provision of advice described in paragraph (1) to the plan, participant, or beneficiary if, at any time during the provision of advisory services to the plan, participant, or beneficiary, the fiduciary adviser fails to maintain the information described in clauses (i) through (iv) of paragraph (1)(A) in currently accurate form and in the manner described in paragraph (2) or fails—

''(A) to provide, without charge, such currently accurate information to the recipient of the advice no less than annually,

''(B) to make such currently accurate information available, upon request and without charge, to the recipient of the advice, or

''(C) in the event of a material change to the information described in clauses (i) through (iv) of paragraph (1)(A), to provide, without charge, such currently accurate information to the recipient of the advice at a

time reasonably contemporaneous to the material change in information.

''(4) MAINTENANCE FOR 6 YEARS OF EVIDENCE OF COMPLIANCE.—A fiduciary adviser referred to in paragraph (1) who has provided advice referred to in such paragraph shall, for a period of not less than 6 years after the provision of the advice, maintain any records necessary for determining whether the requirements of the preceding provisions of this subsection and of subsection (b)(14) have been met. A transaction prohibited under section 406 shall not be considered to have occurred solely because the records are lost or destroyed prior to the end of the 6-year period due to circumstances beyond the control of the fiduciary adviser.

''(5) EXEMPTION FOR PLAN SPONSOR AND CERTAIN OTHER FIDUCIARIES.—

''(A) IN GENERAL.—Subject to subparagraph (B), a plan sponsor or other person who is a fiduciary (other than a fiduciary adviser) shall not be treated as failing to meet the requirements of this part solely by reason of the provision of investment advice referred to in section 3(21)(A)(ii) (or solely by reason of contracting for or otherwise arranging for the provision of the advice), if—

''(i) the advice is provided by a fiduciary adviser pursuant to an arrangement between the plan sponsor or other fiduciary and the fiduciary adviser for the provision by the fiduciary adviser of investment advice referred to in such section,

''(ii) the terms of the arrangement require compliance by the fiduciary adviser with the requirements of this subsection, and

''(iii) the terms of the arrangement include a written acknowledgment by the fiduciary adviser that the fiduciary adviser is a fiduciary of the plan with respect to the provision of the advice.

''(B) CONTINUED DUTY OF PRUDENT SELECTION OF ADVISER AND PERIODIC REVIEW.—Nothing in subparagraph (A) shall be construed to exempt a plan sponsor or other person who is a fiduciary from any requirement of this part for the prudent selection and periodic review of a fiduciary adviser with whom the plan sponsor or other person enters into an arrangement for the provision of advice referred to in section 3(21)(A)(ii). The plan sponsor or other person who is a fiduciary has no duty under this part to monitor the specific investment advice given by the fiduciary adviser to any particular recipient of the advice.

''(C) AVAILABILITY OF PLAN ASSETS FOR PAYMENT FOR ADVICE.—Nothing in this part shall be construed to preclude the use of plan assets to pay for reasonable expenses in providing investment advice referred to in section 3(21)(A)(ii).

''(6) DEFINITIONS.—For purposes of this subsection and subsection (b)(14)—

''(A) FIDUCIARY ADVISER.—The term 'fiduciary adviser' means, with respect to a plan, a person who is a fiduciary of the plan by reason of the provision of investment advice by the person to the plan or to a participant or beneficiary and who is—

''(i) registered as an investment adviser under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) or under the laws of the State in which the fiduciary maintains its principal office and place of business,

''(ii) a bank or similar financial institution referred to in section 408(b)(4) or a savings association (as defined in section 3(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(1))), but only if the advice is provided through a trust department of the bank or similar financial institution or savings association which is subject to periodic examination and review by Federal or State banking authorities,

''(iii) an insurance company qualified to do business under the laws of a State,

''(iv) a person registered as a broker or dealer under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.),

''(v) an affiliate of a person described in any of clauses (i) through (iv), or

''(vi) an employee, agent, or registered representative of a person described in any of clauses (i) through (v) who satisfies the requirements of applicable insurance, banking, and securities laws relating to the provision of the advice.

''(B) AFFILIATE.—The term 'affiliate' of another entity means an affiliated person of the entity (as defined in section 2(a)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(3))).

''(C) REGISTERED REPRESENTATIVE.—The term 'registered representative' of another entity means a person described in section 3(a)(18) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(18)) (substituting the entity for the broker or dealer referred to in such section) or a person described in section 202(a)(17) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(17)) (substituting the entity for the investment adviser referred to in such section).''.

(b) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) EXEMPTION FROM PROHIBITED TRANSACTIONS.—Subsection (d) of section 4975 of the Internal Revenue Code of 1986 (relating to exemptions from tax on prohibited transactions) is amended—

(A) in paragraph (14), by striking ''or'' at the end;

(B) in paragraph (15), by striking the period at the end and inserting ''; or''; and

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

''(16) any transaction described in subsection (f)(7)(A) in connection with the provision of investment advice described in subsection (e)(3)(B)(i), in any case in which—

''(A) the investment of assets of the plan is subject to the direction of plan participants or beneficiaries,

''(B) the advice is provided to the plan or a participant or beneficiary of the plan by a fiduciary adviser in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of plan assets, and

''(C) the requirements of subsection (f)(7)(B) are met in connection with the provision of the advice.''.

(2) ALLOWED TRANSACTIONS AND REQUIREMENTS.—Subsection (f) of such section 4975 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

''(7) PROVISIONS RELATING TO INVESTMENT ADVICE PROVIDED BY FIDUCIARY ADVISERS.—

''(A) TRANSACTIONS ALLOWABLE IN CONNECTION WITH INVESTMENT ADVICE PROVIDED BY FIDUCIARY ADVISERS.—The transactions referred to in subsection (d)(16), in connection with the provision of investment advice by a fiduciary adviser, are the following:

''(i) the provision of the advice to the plan, participant, or beneficiary;

''(ii) the sale, acquisition, or holding of a security or other property (including any lending of money or other extension of credit associated with the sale, acquisition, or holding of a security or other property) pursuant to the advice; and

''(iii) the direct or indirect receipt of fees or other compensation by the fiduciary adviser or an affiliate thereof (or any employee, agent, or registered representative of the fiduciary adviser or affiliate) in connection with the provision of the advice or in connection with a sale, acquisition, or holding of a security or other property pursuant to the advice.

''(B) REQUIREMENTS RELATING TO PROVISION OF INVESTMENT ADVICE BY FIDUCIARY ADVISERS.—The requirements of this subparagraph (referred to in subsection (d)(16)(C)) are met in connection with the provision of investment advice referred to in subsection (e)(3)(B), provided to a plan or a participant or beneficiary of a plan by a fiduciary adviser with respect to the plan in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of amounts held by the plan, if—

''(i) in the case of the initial provision of the advice with regard to the security or other property by the fiduciary adviser to the plan, participant, or beneficiary, the fiduciary adviser provides to the recipient of the advice, at a time reasonably contemporaneous with the initial provision of the advice, a written notification (which may consist of notification by means of electronic communication)—

''(I) of all fees or other compensation relating to the advice that the fiduciary adviser or any affiliate thereof is to receive (including compensation provided by any third party) in connection with the provision of the advice or in connection with the sale, acquisition, or holding of the security or other property,

''(II) of any material affiliation or contractual relationship of the fiduciary adviser or affiliates thereof in the security or other property,

''(III) of any limitation placed on the scope of the investment advice to be provided by the fiduciary adviser with respect to any such sale, acquisition, or holding of a security or other property,

''(IV) of the types of services provided by the fiduciary adviser in connection with the provision of investment advice by the fiduciary adviser,

''(V) that the adviser is acting as a fiduciary of the plan in connection with the provision of the advice, and

''(VI) that a recipient of the advice may separately arrange for the provision of advice by another adviser, that could have no material affiliation with and receive no fees or other compensation in connection with the security or other property,

''(ii) the fiduciary adviser provides appropriate disclosure, in connection with the sale, acquisition, or holding of the security or other property, in accordance with all applicable securities laws,

''(iii) the sale, acquisition, or holding occurs solely at the direction of the recipient of the advice,

''(iv) the compensation received by the fiduciary adviser and affiliates thereof in connection with the sale, acquisition, or holding of the security or other property is reasonable, and

''(v) the terms of the sale, acquisition, or holding of the security or other property are at least as favorable to the plan as an arm's length transaction would be.

''(C) STANDARDS FOR PRESENTATION OF INFORMATION.—The notification required to be provided to participants and beneficiaries under subparagraph (B)(i) shall be written in a clear and conspicuous manner and in a manner calculated to be understood by the average plan participant and shall be sufficiently accurate and comprehensive to reasonably apprise such participants and beneficiaries of the information required to be provided in the notification.

''(D) EXEMPTION CONDITIONED ON MAKING REQUIRED INFORMATION AVAILABLE ANNUALLY, ON REQUEST, AND IN THE EVENT OF MATERIAL CHANGE.—The requirements of subparagraph (B)(i) shall be deemed not to have been met in connection with the initial or any subsequent provision of advice described in subparagraph (B) to the plan, participant, or beneficiary if, at any time during the provision of advisory services to the plan, participant, or beneficiary, the fiduciary adviser

fails to maintain the information described in subclauses (I) through (IV) of subparagraph (B)(i) in currently accurate form and in the manner required by subparagraph (C), or fails—

''(i) to provide, without charge, such currently accurate information to the recipient of the advice no less than annually,

''(ii) to make such currently accurate information available, upon request and without charge, to the recipient of the advice, or

''(iii) in the event of a material change to the information described in subclauses (I) through (IV) of subparagraph (B)(i), to provide, without charge, such currently accurate information to the recipient of the advice at a time reasonably contemporaneous to the material change in information.

''(E) MAINTENANCE FOR 6 YEARS OF EVIDENCE OF COMPLIANCE.—A fiduciary adviser referred to in subparagraph (B) who has provided advice referred to in such subparagraph shall, for a period of not less than 6 years after the provision of the advice, maintain any records necessary for determining whether the requirements of the preceding provisions of this paragraph and of subsection (d)(16) have been met. A transaction prohibited under subsection (c)(1) shall not be considered to have occurred solely because the records are lost or destroyed prior to the end of the 6-year period due to circumstances beyond the control of the fiduciary adviser.

''(F) EXEMPTION FOR PLAN SPONSOR AND CERTAIN OTHER FIDUCIARIES.—A plan sponsor or other person who is a fiduciary (other than a fiduciary adviser) shall not be treated as failing to meet the requirements of this section solely by reason of the provision of investment advice referred to in subsection (e)(3)(B) (or solely by reason of contracting for or otherwise arranging for the provision of the advice), if—

''(i) the advice is provided by a fiduciary adviser pursuant to an arrangement between the plan sponsor or other fiduciary and the fiduciary adviser for the provision by the fiduciary adviser of investment advice referred to in such section,

''(ii) the terms of the arrangement require compliance by the fiduciary adviser with the requirements of this paragraph,

''(iii) the terms of the arrangement include a written acknowledgment by the fiduciary adviser that the fiduciary adviser is a fiduciary of the plan with respect to the provision of the advice, and

''(iv) the requirements of part 4 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 are met in connection with the provision of such advice.

''(G) DEFINITIONS.—For purposes of this paragraph and subsection (d)(16)—

''(i) FIDUCIARY ADVISER.—The term 'fiduciary adviser' means, with respect to a plan, a person who is a fiduciary of the plan by reason of the provision of investment advice by the person to the plan or to a participant or beneficiary and who is—

''(I) registered as an investment adviser under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) or under the laws of the State in which the fiduciary maintains its principal office and place of business,

''(II) a bank or similar financial institution referred to in subsection (d)(4) or a savings association (as defined in section 3(b)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b)(1))), but only if the advice is provided through a trust department of the bank or similar financial institution or savings association which is subject to periodic examination and review by Federal or State banking authorities,

''(III) an insurance company qualified to do business under the laws of a State,

''(IV) a person registered as a broker or dealer under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.),

''(V) an affiliate of a person described in any of subclauses (I) through (IV), or

''(VI) an employee, agent, or registered representative of a person described in any of subclauses (I) through (V) who satisfies the requirements of applicable insurance, banking, and securities laws relating to the provision of the advice.

''(ii) AFFILIATE.—The term 'affiliate' of another entity means an affiliated person of the entity (as defined in section 2(a)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(3))).

''(iii) REGISTERED REPRESENTATIVE.—The term 'registered representative' of another entity means a person described in section 3(a)(18) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(18)) (substituting the entity for the broker or dealer referred to in such section) or a person described in section 202(a)(17) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(17)) (substituting the entity for the investment adviser referred to in such section).''.

Mr. BOND. Mr. President, I rise today to cosponsor the Retirement Security Advice Act of 2003, introduced by my good friend from Wyoming, Senator MIKE ENZI. I do so because this bill holds important implications for small businesses in this county and for the millions of Americans they employ.

In 1996, we created the Savings Incentive Match Plans for Employees (SIMPLE) as a pension-plan option for small firms in this country. The goal was a simple one: provide a pension plan with low administrative costs for employers so they can offer pension benefits to encourage employees to save for their retirement. I am pleased that these plans have become quite popular, and together with the other pension simplifications and improvements enacted since then, they have contributed to better access to pension benefits by small businesses and their employees.

Greater retirement savings, however, have raised new and complex issues for many employees who have seen their pension accounts grow substantially. As a member of both the Senate Small Business Committee and the Health, Education, Labor, and Pension Committee, I have heard many constitents raise difficult questions in this area: What are appropriate investments for my personal circumstances and risk tolerance? Should I buy stocks, bonds, annuities, or something else? How should I diversify my investments? When should I modify my investment mix? And so on.

The importance of these questions has increased substantially in light of recent high-profile business failures and economic downtown. Gone are the days of the momentum market where any dollar invested seemed to grow with little effort or no risk.

The return to more cautious investing has left employees who participate in employer-sponsored pension plans in a real dilemma—hire an outside investment advisor or go it alone in most cases. Why? Current pension rules effectively preclude most employers from offering investment advice to their employees. In fact, recent estimates are that only about 16 percent of participants have access to investment advice through their pension plan. In today's complex investment environment that is simply too little help for employees who are trying to manage their retirement security.

Senator ENZI's bill addresses this situation in a responsible way. For most businesses, and particularly small firms, the logical place to look for an investment advisor would be the company that manage's the plan's investment options or an affiliated firm. Under Senator ENZI's bill that option would now be available, opening the door for countless businesses to offer this important benefit at a low cost to their employees who participate in the company's pension plan. In addition, by allowing more businesses to offer investment-advice benefits, the bill creates an opportunity for increased competition among investment advisors, which can lead to better advice products and lower costs overall.

Senator ENZI's bill, however, does not simply change the rules to help the business community. It also includes critical protections for the plan participants. Investment advisors must satisfy strict requirements concerning their qualifications, and they must disclose on a regular basis all their business relationships, fees, and potential conflicts of interest directly to the participants. In addition, and arguably most importantly, the investment advisor must assume fiduciary liability for the investment advice it renders to the employee participants in the plan. In short, if the investment advisor does not act solely in the interest of the participant, it will be liable for damages resulting from the breach of its fidicuary duty. Together, the bill's provisions provide substantive safeguards to protect the interests of the plan participants who take advantage of the new investment-advice benefit.

Some have contended that a better alternative is to force small businesses to engage an independent third party to provide investment advice. I disagree. The result would simply be the same as under current law. Cost is a real issue for small businesses seeking to offer benefits like pension plans and related investment advice—hence, the genesis of the SIMPLE pension plan. As under the current rules, if the only option is a costly outside advisor, the small firm will not offer the investment-advise benefit. As a result, we would not move the ball even a yard further—employers would still be left to their own devices to figure out the complex world of investing or they would have to seek out and hire their own advisor, which few have the wherewithal to do.

More to the point, nothing under the Enzi bill prevents a business from engaging an independent advisor if the employer deems that the best alternative. The standard under the Enzi bill for selecting the investment advisor is prudence; the same criteria that the employer must exercise under current law when selecting the company

that manages the pension plan and its investment options. If a prudent person would not hire or retain the investment advisor, then under the Enzi bill, the employer should not do so either or face liability for breach of fiduciary duty. Again, additional protection for the plan participants.

In my assessment, investment advice is an increasingly important benefit that employers want and need. Morover, small businesses in particular need the flexibility to offer benefits that keep them competitive with big companies as they seek to hire and retain the very best employees possible. And when we talk about small businesses, we are not dealing with an insignificant employer in this country. In fact, according to Small Business Administration data, small businesses represent 99 percent of all employers and provide 60 to 80 percent of the net new jobs annually in this country.

The Retirement Security Advice Act provides a carefully balanced and responsible solution to this situation. Most importantly, it provides a solution that employers will actually use to offer the investment advice sought by their employers who struggle to put money aside in the hopes of having a nest egg that someday will provide them with a comfortable retirement. I am pleased to co-sponsor this bill and look forward to working with my colleague from Wyoming to see it enacted into law.

By Mr. INHOFE:

S. 1699. A bill to amend the Head Start Act to require parental consent for nonemergency intrusive physical examinations; to the Committee on Health, Education, Labor and Pensions.

Mr. INHOFE. Mr. President, today I am introducing legislation to require parental consent for intrusive physical exams, genital exams, administered under the Head Start program.

Young children attending Head Start programs should not be subjected to these invasive exams without the prior knowledge or consent of their parents. While the Department of Health and Human Services has administered general exam guidelines to agencies, the U.S. Code is not clear about prohibiting them without parental consent. My bill will clarify the Code by not allowing any non-emergency invasive genital exam by a Head Start agency without parental consent.

As a father and grandfather, I believe it is vital for parents to be informed about what is happening to their children in the classroom. I hope that my colleagues will join me in support of this important bill.

By Mr. HATCH (for himself, Mr. BIDEN, Mr. SPECTER, Mr. LEAHY, Mr. DEWINE, Mrs. FEINSTEIN, Mr. SMITH, Mr. KENNEDY, Ms. COLLINS, Mr. SCHUMER, Mr. WARNER, Mr. DURBIN, Mr. CAMPBELL, Mr. KOHL, Mrs. CLINTON, Ms. CANTWELL, Mrs. MURRAY, and Ms. LANDRIEU):

S. 1700. A bill to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post-conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce a comprehensive bipartisan bill which will ensure the full use and availability of DNA technology in our criminal justice system. This bill, which enacts the President's DNA technology initiative, announced by Attorney General Ashcroft on March 11, 2003, will provide over $1 billion in funding and assistance over the next 5 years to the criminal justice system in order to realize the full potential of DNA technology to solve crimes, protect the public and exonerate the innocent.

The legislation I am introducing today represents a bipartisan compromise which was reached through extensive negotiations among Senators on the Judiciary Committee and members from the House Committee on the Judiciary. I want to first commend my counterpart, Chairman SENSENBRENNER, for his steady leadership on this issue and his commitment to reaching an agreement, and note the commitment and dedication of Representatives CONYERS, COBLE, LAHOOD, and DELAHUNT to this important initiative.

I also want to commend my colleagues here in the Senate: Senators BIDEN, SPECTER, LEAHY, DEWINE, and FEINSTEIN—who each have a longstanding commitment to issues included in this comprehensive DNA bill. We have worked together on DNA issues for many years, and thanks to each of their efforts we now are in the position to enact bipartisan legislation that enhances the use of DNA technology in our criminal justice system. I want to express my personal thanks to all of them for their leadership and contributions to this important piece of legislation.

Also, I want to highlight specifically the accomplishment today of the ranking member of our Judiciary Committee, Senator LEAHY. For several years, Senator LEAHY has dedicated himself to the issue of DNA technology and ensuring that such technology is used to protect the integrity of our criminal justice system by exonerating the innocent while punishing the guilty. He has worked tirelessly in this area as the sponsor of the Innocence Protection Act. While we both shared a common goal of protecting the integrity of our criminal justice system, we differed on the means to accomplish that end.

Today, I am proud to support the compromise proposal we have negotiated, and join together with my friend, Senator LEAHY, to introduce the Innocence Protection Act of 2003 as part of this legislative package. I want to specifically congratulate Senator LEAHY for his accomplishment and for his dedication to this important issue.

It is perhaps fitting that 50 years after the discovery of DNA by Dr. James Watson in 1953, we are now proposing to enact the most far-reaching and comprehensive expansion of DNA technology to promote public safety, to bring to justice violent criminals who can be identified through DNA technology, and to ensure the accuracy of our criminal justice system.

Let me take a moment to highlight the important provisions of this bill.

The bill enacts the President's comprehensive DNA initiative, ''Advancing Justice Through DNA Technology,'' and will authorize funding of $755 million for the Debbie Smith DNA Backlog Grant Program in order to eliminate the current backlog of unanalyzed DNA samples in our Nation's crime labs. It is critical that such funding be appropriated to ensure that unanalyzed evidence from violent crime scenes, such as rape and murder, are compared against known DNA samples to solve these terrible crimes and apprehend the perpetrators.

As many of you know, Debbie Smith is the courageous survivor of a horrific sexual assault, and has become a leading spokesperson for women and crime victims across the country. Debbie Smith waited 6 years before Norman Jimmerson, a current inmate in a Virginia prison, was identified as her attacker through DNA. Debbie testified against Jimmerson, who is now serving two life sentences plus 25 years with no chance of parole.

Debbie Smith has dedicated herself to the elimination of the backlog in the processing of DNA evidence and samples. By eliminating the substantial backlog of DNA samples for the most serious violent offenses, we can solve more crimes, protect the public and apprehend more violent criminals. The National Institute of Justice estimates that the current backlog of rape and homicide cases is at least 350,000 cases. NIJ also estimates that there are between 300,000 and 500,000 collected, but untested convicted offender samples. In addition, the Justice Department estimates that there are between 500,000 and 1,000,000 convicted offender samples which have not yet been collected as required by law.

The President has directed the Justice Department to eliminate these backlogs completely within 5 years, and I am committed to doing everything in my power to make that a reality to ensure that the evidence is analyzed, the crimes solved and the criminals punished to the fullest extent of the law.

The proposed legislation also will solve more crimes by expanding State and local crime lab capacity to test DNA. Crime laboratories face increasing workloads and increased DNA analysis demands. Only 10 percent of public crime labs have automated facilities needed to process DNA testing, and help is needed in this area. We must expand the capacity of these laboratories to meet current demand and build for future needs. That is what the bill will do.

The bill also will increase research and development of new technologies to test DNA; provides training of criminal justice professionals to enhance collection and understanding of DNA evidence; and expands existing programs to train medical personnel who typically are the first to have contact with sexual assault victims so that they can collect and preserve critical biological evidence for DNA testing and comparison purposes.

Some have suggested that focusing exclusively on DNA technology ignores the significant need for funding and assistance to State and local crime labs for non-DNA forensic analyses. The proposed bill expands the Paul Coverdell Grant Program to provide assistance to the States to eliminate non-DNA forensic evidence backlogs. I recognize that forensic examination of ballistics evidence, fingerprints, suspected illegal drugs, and other evidence is critical to our criminal justice system. I am committed to addressing these needs as well in order to protect the public.

The legislation will not only speed the apprehension and prosecution of the guilty, but will protect the innocent from wrongful prosecution. DNA technology allows us to exclude innocent people as suspects early in an investigation, and allows law enforcement to focus on finding the true perpetrator.

The Innocence Protection Act of 2003, developed under the leadership of Senator LEAHY, which is included as Title III of this bill, creates a federal post-conviction DNA testing scheme which authorizes DNA testing and relief for a convicted defendant, where the defendant claims he is ''actually innocent'' of the crime, and demonstrates that such testing shows that they did not commit the crime. DNA testing will not be permitted where such a test would only muddy the waters and be used by the defendant to fuel a new and frivolous series of appeals. Under the Act, DNA testing in capital cases will be prioritized and conducted on a ''fast track,'' so that these important cases are handled quickly.

In order to discourage a flood of baseless claims, the act authorizes the prosecution of defendants who make false claims of innocence in support of a DNA testing request. Each defendant will be required to assert under penalty of perjury that they are, in fact, innocent of the crime. When DNA testing reveals that the defendant's claim of innocence was actually false, the defendant can then be prosecuted and, if convicted, will be subject to a consecutive term of imprisonment of 3 years. Further, the act allows DNA test results to be entered into the CODIS database and compared against unsolved crimes. If the test result shows that the defendant committed another crime, the defendant may then be prosecuted for the other crime.

With respect to the States, the act encourages States to create similar DNA testing procedures, and provides funding assistance to those States that have existing DNA testing programs or that implement such DNA testing programs after enactment of this act. In honor of Kirk Bloodsworth, a death row inmate, who was eventually freed through post-conviction DNA testing, the bill creates and names a grant program after Mr. Bloodsworth to help the States conduct appropriate post-conviction DNA testing. With the new source of funding, more States will enact DNA testing programs, and will provide such testing on an expedited basis.

While DNA testing is now standard in pretrial criminal investigations today, the integrity of our criminal justice system and in particular, our death penalty system, can be enhanced with the appropriate use of DNA testing. No one disagrees with the fact that post-conviction DNA testing should be made available to defendants when it serves the ends of justice. I am convinced that the proposed legislation does so fairly and effectively with proper regard for the rights of the defendant and the interests of victims and their families.

Finally, Title III of the bill creates a new grant program to improve the performance of counsel—prosecutors and defense counsel—handling State capital cases. The issue of the death penalty in our country continues to spark significant debate. The recent Supreme Court decisions addressing capital punishment underscore the importance of this issue to the American people. It is an issue that engenders great passion, both among its supporters and among its opponents. A large majority of the American people believe in the death penalty, especially for terrorists who have killed thousands of Americans. And all of us agree that the death penalty must be imposed fairly and accurately.

I have stated on numerous occasions my views on the death penalty. It is the ultimate punishment and it should be reserved only for those defendants who commit the most heinous of crimes. I am firmly convinced that we must be vigilant in ensuring that capital punishment is meted out fairly against those truly guilty criminals. We cannot and should not tolerate defects in the capital punishment system. No one can disagree with this ultimate and solemn responsibility.

I have disagreed with others on the committee as to the state of our Nation's capital punishment system, the quality of representation in State capital cases, and whether such sentences are meted out fairly. I am proud, however, to support this proposal where we can all agree—we can improve the performance of counsel on both sides by awarding grants to States. These funds will be equally divided between prosecutors and defense counsel, and are designed to reduce to the maximum extent possible the occurrence of error in the conduct of capital trials in our States. We all agree that reducing trial error is a laudable goal. By doing so, we enhance the fairness of our capital punishment system.

Every defendant in our criminal justice system is afforded the guarantee by the sixth amendment of our Constitution of competent and effective counsel. The Supreme Court has enforced this right in numerous decisions in order to ensure that all defendants are afforded the constitutional protections guaranteed to them.

At the same time, the public is entitled to quality representation by prosecutors who handle capital cases. Training and monitoring the performance of prosecutors who handle these important cases will ensure that States and the public are fully and effectively served in the trial of capital cases.

Contrary to the view of some, I do not believe that our capital punishment is broken. However, I do believe that our justice system can always be improved. The grants proposed under the act will enable states to improve the performance of prosecutors and defense counsel to ensure that capital cases are handled more efficiently and effectively, and that every capital defendant will receive a fair trial under our justice system.

DNA technology has the power to convict the guilty and protect the innocent and will move our criminal justice system into a new era that is both fair and efficient. The President's DNA initiative is a forward-looking measure, which will improve significant aspects of federal, state and local criminal justice systems. We are poised to enter that new era. With this comprehensive proposal, we will ensure the use of DNA technology and protect the public safety.

I strongly urge my colleagues to join with me in promptly passing this important legislation.

Mr. President, I ask unanimous consent to print in the RECORD a section-by-section analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADVANCING JUSTICE THROUGH DNA TECHNOLOGY ACT OF 2003

SECTION-BY-SECTION ANALYSIS

Overview

The Advancing Justice Through DNA Technology Act increases Federal resources available to State and local governments to combat crimes with DNA technology, and provides safeguards to prevent wrongful convictions and executions. The bill enacts the President's DNA Initiative, which provides

over $1 billion in the next five years to assist Federal and State authorities to realize the full potential of DNA technology to solve crimes and protect the innocent.

Title I and II, the DNA Sexual Assault Justice Act and the Rape Kits and DNA Evidence Backlog Elimination Act, [of the bill] authorize the Debbie Smith DNA Backlog Grant Program, which provides $755 million over five years to address the DNA Backlog crisis in the nation's crime labs. The bill also establishes over $500 million in new grant programs [together with grant programs] to reduce other forensic science backlogs, train criminal justice and medical personnel in the use of DNA evidence, and promote the use of DNA technology to identify missing persons.

Title III of the bill, the Innocence Protection Act, provides access to post-conviction DNA testing in federal cases, helps States improve the quality of legal representation in capital cases, and increases compensation in Federal cases of wrongful conviction. In addition, Title III authorizes the Kirk Bloodsworth Post-Conviction DNA Testing Program and provides $25 million over five years to defray the costs of post-conviction DNA testing.

TITLE I—RAPE KITS AND DNA EVIDENCE BACKLOG ELIMINATION ACT OF 2003

Sec. 101. Short Title. This title may be cited as the ''Rape Kits and DNA Evidence Backlog Elimination Act of 2003.''

Sec. 102 [The]Debbie Smith DNA Backlog Grant Program. Reauthorizes and expands the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135), increasing the authorized funding levels for the DNA Analysis Backlog Elimination program to $151 million annually for the next five years, as proposed in the President's DNA initiative.

Subsection (a) names the Backlog Elimination Act grant program in honor of Debbie Smith, a rape survivor and leader in promoting the use of the DNA technology to solve crimes. In addition, subsection (a) amends he eligibility provisions to add ''units of local government'' as [a] potential grantees, so that Federal resources can meet local needs more quickly.

Subsection (b)(1) provides a single annual authorization for the program, and modifies existing program objectives by: (1) adding the collection of DNA samples from convicted offenders as a specific program purpose (proposed 42 U.S.C. 14135(a)(4)); (2) ensuring that DNA testing and analysis of samples from crime scenes (such as rape kits and biological material found at homicide scenes), including sexual assault and other serious violent crimes, are carried out in a timely manner (proposed 42 U.S.C. 14135(a)(5)); and (3) revising the existing objective in 41 U.S.C. 14135(a)(3), to clarify that funds can be used to increase the capacity of public laboratories to carry out analysis of DNA samples.

Subsection (c) modifies 42 U.S.C. 14135(c) to provide for the disbursement of grant funds by the Attorney General in conformity with a formula that maximizes the effective use of DNA technology to solve crimes and protect public safety, and addresses areas where significant backlogs exist. A minimum grant amount of 0.50 percent is to be awarded to each State, and a specified percentage of remaining funds will be awarded to conduct DNA analyses of samples from casework [or victims of crime].

Conversion of the Backlog Elimination Act grant program into a formula grant program will ensure that funds will be fairly distributed among all eligible jurisdictions. It is expected that the factors given weight in the formula will include the magnitude and nature of the DNA backlogs and current DNA work demands in the jurisdictions that seek funding; deficits in public laboratory capacity for the timely and efficient analysis of DNA samples in these jurisdictions, and cost requirements for remedying these deficits; and the ability of these jurisdictions to use the funds to increase DNA analysis and public laboratory capacity for such analysis. It is further expected that the formula will target funding on the use of DNA analysis to solve the most serious violent crimes, including rapes and murders, whose solution through DNA testing promises the greatest return in promoting public safety.

Subsection (k) reserves no more than 1 percent of the grant amounts to assist State and local crime labs to become accredited, and to undergo regular external audits, in order to ensure that such labs fully comply with Federal quality assurance standards.

Sec. 103. Expansion of Combined DNA Index System. Amends the statute governing the Combined DNA Index System (CODIS) to allow States to include in the DNA index the DNA profiles of all persons whose DNA samples have been collected under applicable legal authorities, including those authorized by State law, all felons convicted of Federal crimes, and qualifying military offenses.

Sec. 104. Tolling of State of Limitations [Limitation Period for Prosecution in Cases Involving DNA Identification]. Provides that, in a case where DNA testing implicates an identified person in the commission of a felony, except for a felony offense under chapter 109A, no statute of limitations would preclude prosecution of the offense until a time period equal to the statute of limitations has elapsed from the date of identification of the perpetrator.

Sec. 105. Legal Assistance for Victims of Dating Violence. Amends the Violence Against Women Act to include legal assistance for victims of ''dating violence,'' defined as violence committed by a person: (1) who is or has been in a romantic or intimate relationship with the victim; and (2) where the existence of such relationship is determined based upon consideration of its length and its type, and upon the frequency of interaction between the persons involved.

Sec. 106. Ensuring Private Laboratory Assistance in Eliminating DNA Backlog. Clarifies that grants may be made through vouchers and contracts to private for-profit laboratories to assist in collection of DNA samples from offenders and processing of crime scene DNA evidence.

TITLE II—DNA SEXUAL ASSAULT JUSTICE ACT OF 2003

Sec. 201. Short Title. This title may be cited as the ''DNA Sexual Justice Act of 2003.''

Sec. 202. Ensuring Public Crime Laboratory Compliance with Federal Standards. Requires that eligible State and local government public crime labs are accredited and undergo external audits, not less than once every 2 years, to demonstrate compliance with Federal standards established by the Federal Bureau of Investigation.

Sec. 203. DNA Training and Education for Law Enforcement, Correctional Personnel, and Court Officers. Authorizes grants to provide training, technical assistance, educational and information relating to the identification, collection, preservation, analysis and use of DNA samples and DNA evidence by law enforcement personnel and other first responders who collect or examine crime scene evidence; court officers, including prosecutors, defense lawyers and judges; forensic science professionals; and corrections personnel. The grant program is authorized through 2009 at $12.5 million per year.

Sec. 204. Sexual Assault Forensic Exam Program Grants. Authorizes grants to provide training, technical assistance, education and information relating to the identification, collection, preservation, analysis and use of DNA samples and DNA evidence by medical personnel and other personnel, including doctors, medical examiners, coroners, nurses, victim service providers, and other medical professionals, including existing sexual assault and sexual assault examination programs (Sexual Assault Nurse Examiner (SANE), Sexual Assault Forensic Examiner (SAFE), and Sexual Assault Response Team (SART)). The grant program is authorized through 2009 at $30 million per year.

Sec. 205. DNA Research and Development. Authorizes grants for research and development to improve forensic DNA technology, including funding of demonstration projects involving law enforcement agencies and criminal justice participants to evaluate the use of forensic DNA technology. Also authorizes the Attorney General to establish a new Forensic Science Commission, composed of members from the forensic science and criminal justice communities, which will be responsible for examining various issues, including: (1) maximizing the use of forensic sciences to solve crimes and protect public safety; (2) increasing the number of qualified forensic scientists; (3) disseminating best practices concerning the collection and analyses of forensic evidence; and (4) assessing Federal, State and local privacy protection statutes, regulations and practices relating to DNA samples and DNA analyses. Programs are authorized through 2009 at $15 million per year.

Sec. 206. FBI DNA Programs. Authorizes $42.1 million per year through 2009 for FBI DNA programs and activities, including (1) nuclear DNA analysis; (2) mitochondrial DNA analysis; (3) regional mitochondrial DNA laboratories; (4) the Combined DNA Index System; (5) the Federal Convicted Offender DNA Program; and (6) DNA research and development.

Sec. 207. DNA Identification of Missing Persons. Authorizes $2 million per year through 2009 for grants to promote the use of forensic DNA technology to identify missing persons and unidentified human remains.

Sec. 208. Enhanced Criminal Penalties for Unauthorized Disclosure or Use of DNA Information. Modifies the existing criminal provision for unauthorized disclosure of DNA information to include unauthorized ''use'' of such information, and increases the potential fine to $100,000 for each criminal offense.

Sec. 209. Tribal Coalition Grants. Amends the eligibility criteria for discretionary grants under the Violence Against Women Act to include tribal coalitions, and thereby directly support nonprofit, nongovernmental tribal domestic violence and sexual assault coalitions [in Indian country.]

Sec. 210. Expansion of the Paul Coverdell Forensic Sciences Improvement Grant Program. Expands existing grant program to permit funds to be used to eliminate a backlog in the analysis of forensic science evidence, and extends authorization of appropriations through 2009, at $20 million a year. Current authorizations are $128,067,000 for 2004, $56,733,000 for 2005, and $42,067,000 for 2006. [Sec. 210. Forensic Backlog Elimination Grant Program. Authorizes $10 million a year through 2009 for grants to States, units of local government, and tribal governments, to eliminate the backlog in the analysis of any area of forensic science, including firearms examination, latent prints, toxicology, and controlled substances.]

Sec. 211. Report to Congress. Requires the Attorney General to submit a report, not later than 3 years after enactment, relating to implementation of titles I and II of this Act.

TITLE III—INNOCENCE PROTECTION ACT OF 2003

Sec. 301. Short Title. This title may be cited as the ''Innocence Protection Act of 2003.''

Subtitle 1—Exonerating the Innocent Through DNA Testing

Sec. 311. Federal Post-Conviction DNA Testing. Establishes rules and procedures governing applications for DNA testing by inmates in the Federal system. A court shall order DNA testing if the applicant asserts under penalty of perjury that he or she is actually innocent of a qualifying offense, and the proposed DNA testing would produce new material evidence that supports such assertion and raises a reasonable probability that the applicant did not commit the offense. Limitations on access to testing are imposed where the applicant seeks to interfere with the administration of justice rather than to support a valid claim. Penalties are established in the event that testing inculpates the applicant. Where test results are exculpatory, the court shall grant the applicant's motion for a new trial or resentencing if the test results and other evidence establish by a preponderance of the evidence that a new trial would result in an acquittal of the offense at issue.

This section also prohibits the destruction of biological evidence in a federal criminal case while a defendant remains incarcerated, absent a knowing and voluntary waiver by the defendant or prior notification to the defendant that the evidence may be destroyed. Nothing in this section supersedes any statute, regulation, court order, or other provision of law requiring that evidence, including biological evidence, be preserved. Intentional violations of this preservation provision to prevent evidence from being tested or used in court are punishable by a term of imprisonment.

Sec. 312. Kirk Bloodsworth Post-Conviction DNA Testing Grant Program. Authorizes $5 million a year in grants through 2009 to help States to defray the costs of post-conviction DNA testing. This program is named in honor of Kirk Bloodsworth, the first death row inmate to be exonerated by DNA testing.

Sec. 313. Incentive Grants to States to Ensure Consideration of Claims of Actual Innocence. Reserves the total amount of funds appropriated to carry out sections 203, 205, 207, and 312 of this Act for states that have adopted adequate procedures for providing post-conviction DNA testing and preserving biological evidence for this purpose.

Subtitle 2—Improving the Quality of Representation in State Capital Cases

Sec. 321. Capital Representation Improvement Grants. Authorizes a grant program, to be administered by the Attorney General, to improve the quality of legal representation provided to indigent defendants in State capital cases. Grants shall be used to establish, implement, or improve an effective system for providing competent legal representation in capital cases, but may not be used to fund representation in specific cases. An effective system is one in which a public defender program or other entity establishes qualifications for attorneys who may be appointed to represent indigents in capital cases; establishes and maintains a roster of qualified attorneys and assigns attorneys from the roster (or provides the trial judge with a choice of attorneys from the roster); trains and monitors the performance of such attorneys; and ensures funding for the full cost of competent legal representation by the defense team and any outside experts.

Sec. 322. Capital Prosecution Improvement Grants. As part of the same program established in section 321, authorizes grants to improve the representation of the public in State capital cases. Grants shall be used to design and implement training programs for capital prosecutors; develop, implement, and enforce appropriate standards and qualifications for such prosecutors and assess their performance; establish programs under which prosecutors conduct a systematic review of cases in which a defendant is sentenced to death in order to identify cases in which post-conviction DNA testing is appropriate; and assist the families of murder victims.

Sec. 323. Applications. Establishes requirements for States applying for grants under this subtitle, including a long-term strategy and detailed implementation plan that reflects consultation with the judiciary, the organized bar, and State and local prosecutor and defender organizations, and establishes as a priority improvement in the quality of trial-level representation of indigents charged with capital crimes and trial-level prosecution of capital crimes in order to enhance the reliability of capital trial verdicts. Funds received under this subtitle shall be allocated equally between the programs established in sections 321 and 322.

Sec. 324. State Reports. Requires States receiving funds under this subtitle to submit an annual report to the Attorney General identifying the activities carried out with the funds and explaining how each activity complies with the terms and conditions of the grant.

Sec. 325. Evaluations by Inspector General and Administrative Remedies. Directs the Inspector General of the Department of Justice to submit periodic reports to the Attorney General evaluating the compliance of each State receiving funds under this subtitle with the terms and conditions of the grant. In conducting such evaluations, the Inspector General shall give priority to States at the highest risk of noncompliance. If, after receiving a report from the Inspector General, the Attorney General finds that a State is not in compliance, the Attorney General shall take a series of steps to bring the State into compliance and report to Congress on the results.

Sec. 326. Authorization of Appropriations. Authorizes $100 million a year for five years to carry out this subtitle.

Subtitle 3—Compensation of the Wrongfully Convicted

Sec. 331. Increased Compensation in Federal Cases. Increases the maximum amount of damages that the U.S. Court of Federal Claims may award against the United States in cases of unjust imprisonment from a flat $5,000 to $50,000 per year in non-capital cases, and $100,000 per year in capital cases.

Sec. 332. Sense of Congress Regarding Compensation in State Death Penalty Cases. This section expresses the sense of Congress that States should provide reasonable compensation to any person found to have been unjustly convicted of an offense against the State and sentenced to death.

Mr. BIDEN. Mr. President, I rise along with the distinguished senior Senator from Utah, Senator HATCH and several others of my colleagues, Senators SPECTOR, LEAHY, DEWINE, and FEINSTEIN, to introduce the Advancing Justice Through DNA Act, a bill that harnesses the power of DNA to give prompt justice to victims of sexual assault crimes and to free the wrongly convicted. This bill takes every component of DNA technology and makes it accessible and more useful to Federal, State and local law enforcement, to prosecutors and defense attorneys, to medical personnel and to victims of crime.

Promoting and supporting DNA technology as a crime-fighting tool is not a new endeavor for me. A provision of my 1994 crime bill created the Combined DNA Index System, called ''CODIS'', which is an electronic database of DNA profiles, much like the FBI's fingerprint database. CODIS includes two kinds of DNA information—convicted offender DNA samples and DNA from crime scenes. CODIS uses the two indexes to generate investigative leads in crimes where biological evidence is recovered from the scene. In essence, CODIS facilitates the DNA match. And once that match is made, a crime is solved because of the incredible accuracy and durability of DNA evidence.

Ninety-nine.nine percent—that is how accurate DNA evidence is. One in 30 billion—those are the odds someone else committed a crime if a suspect's DNA matches evidence at the crime scene. Twenty or 30 years—that is how long DNA evidence from a crime scene lasts.

Just 10 years ago DNA analysis of evidence could have cost thousands of dollars and taken months, now testing one sample costs $40 and can take days. Ten years ago forensic scientists needed blood the size of a bottle cap, now DNA testing can be done on a sample the size of a pinhead. The changes in DNA technology are remarkable, and mark a sea change in how we can fight crime, particularly sexual assault crimes.

The FBI reports that since 1998 the national DNA database has helped put away violent criminals in over 9,000 investigations in 50 States. How? By matching the DNA crime evidence to the DNA profiles of offenders. Individual success stories of DNA cold hits in sexual assault cases make these numbers all too real.

Just last year, Alabama authorities charged a man in the rape of an 85-year-old woman almost 10 years ago after he was linked to the case by a DNA sample he was compelled to submit while in prison on unrelated charges.

In Colorado, prosecutors brought to trial a case against a man accused of at least 14 rapes and sexual assaults. Due to the national DNA database, prosecutors were able to trace the defendant to rapes and assaults that occurred in Colorado, California, Arizona, Nevada and Oklahoma between 1999 and 2002.

Or take for example a 1996 case in St. Louis were two young girls were abducted from bus stops and raped at opposite ends of the city. The police were unable to identify a suspect. In 1999, the police decided to re-run the DNA testing to develop new leads. In January 2000, the DNA database matched the case to a 1999 rape case, and police were able to identify the perpetrator.

Last spring, the New York Police Department arrested a man linked to the rape of a woman years ago. In 1997, a woman was horribly beaten, robbed and raped—there were no suspects. Five years later, the perpetrator submitted

a DNA sample as a condition of probation after serving time for burglary. The DNA sample matched the DNA from the 1997 rape. Crime solved, streets safer.

Undoubtedly, DNA matching by comparing evidence gathered at the crime scene with offender samples entered on the national DNA database has proven to be the deciding factor in solving stranger sexual assault cases—it has revolutionized the criminal justice system, and brought closure and justice for victims. A laboratory expert testified that Virginia has a 48 percent hit rate because the State collects samples from all convicted felons and aggressively analyzes crime scene evidence with no backlog. This means that almost 1 out of every 2 violent crimes could be solved by the national DNA database.

In light of the past successes and the future potential of DNA evidence, the reported number of untested rape kits and other crime scene evidence waiting in police warehouses is simply shocking—300,000 to 500,000. It is a national problem, plaguing both urban and rural areas, that deserves national attention and solutions. Last year, a Michigan newspaper reported that its State police forensic unit is expected to have a 10-year backlog of items in need of DNA testing. The Florida crime lab system is facing a backlog of more than 2,400 rape, murder and assault and burglary cases waiting for DNA testing. South Carolina has 10,000 untested samples from convicted offenders. In June 2003, the New Jersey police department reported that over 1,200 criminal cases—most of them sexual assault cases—were waiting for DNA analysis. Behind every single one of those rape kits is a victim who deserves recognition and justice.

One woman in particular has reminded State and Federal lawmakers that we cannot ignore even one rape kit sitting on a shelf gathering dust. That woman is Debbie Smith. In 1989, Mrs. Smith was taken from her home and brutally raped. There were no known suspects, and Mrs. Smith lived in fear of her attacker's return. Six years later, the Virginia crime laboratory discovered a DNA match between the rape scene evidence and a State prisoner's DNA sample. That cold hit gave Mrs. Smith her first moment of real security and closure, and since then she has traveled the country to advocate on behalf of assault victims and champion the use of DNA to fight sexual assault.

Today's bill provides over $755 five years to eliminate the backlog in rape kits and other crime scene evidence, eliminate the backlog of convicted offender samples awaiting DNA testing, and improve State laboratory capacity to conduct DNA testing. I am pleased that the backlog elimination grant program in the Advancing Justice Through DNA Technology Act is entitled, ''The Debbie Smith DNA Backlog Grants.'' It is a fitting tribute. I also want to take a moment to thank my colleagues Senators KOHL and DEWINE who began this effort with the DNA Backlog Elimination Act of 2000, and acknowledge their ongoing commitment.

But the DNA testing is only useful if the crime scene evidence is carefully collected and preserved. Towards that end, the Advancing Justice through DNA Technology Act creates two important grant programs: 1. a $62.5 million DNA training and education grant program for law enforcement, correctional personnel and court officers; and 2. a $50 million grant program to provide training, education and assistance to sexual assault forensic examiner programs, often known as SANE or SART programs.

The Advancing Justice Through DNA Technology Act is a natural extension to the Violence Against Women Act, which requires the Attorney General to evaluate and recommend standards for training and practice for licensed health care professionals performing sexual assault forensic exams. So I knew that any DNA bill aimed at ending sexual assault must include resources for sexual forensic examiners. This bill ensures that sexual forensic nurses, doctors, and response teams are all eligible for assistance. These program should be in each and every emergency room to bridge the gap between the law and the medicine.

Today's bill also makes two small, but important, amendments to the Violence Against Women Act. First, it amends the law to include legal assistance for victims of dating violence, and it amends the eligibility criteria for discretionary programs so that tribal domestic violence and sexual assault coalitions can directly receiving grants funds, including those funds unreleased from past fiscal years.

I started looking at the issue of improved prosecution of sexual assault crimes almost two decades ago when I began drafting the Violence Against Women Act. The DNA Sexual Justice Act of 2003 is the next step, a way to connect the dots between the extraordinary strides in DNA technology and my commitment to ending violence against women. We must ensure that justice delayed is not justice denied.

I am also gratified that this legislation includes the Innocence Protection Act, which I cosponsored last year, and which passed the Judiciary Committee. I have long advocated in this Committee for the changes that it will implement.

The Innocence Protection Act will immeasurably improve the administration of justice in our legal system, particularly where justice is most important, and where we can least afford to make mistakes—imposition of the death penalty.

I advocate for this bill not as an opponent of the death penalty looking to curtail it, but as a supporter of the death penalty who authored the first constitutional federal death penalty law after the Supreme Court declared the death penalty unconstitutional.

But we who support the death penalty also have a duty to ensure that it is fairly administered. The advent of DNA testing has provided us with a wealth of opportunities to make certain that we are prosecuting the right people. Just as we use DNA to help prosecutions, we must make testing available to those who can use it to prove their innocence. This legislation makes post-conviction testing to federal inmates who assert that they did not commit the crime for which they have been imprisoned. It also incentivizes States to take similar measures to ensure that individuals have a proper opportunity to prove their innocence. It also mandates proper preservation of DNA evidence so that the DNA can be tested if appropriate.

As for competent counsel in death penalty cases, nobody can look me in the eye and tell me that our system for representation in capital cases works as it should. This bill will take a big step toward fixing that by providing money for grants to States to improve their systems of representation, on both the prosecution and defense side, in capital cases.

Our goal must be an error-free system of criminal justice. To err is human, but it should never be acceptable. Our job is to do all we can to eliminate errors in the criminal justice system and to see to it that a lack of resources does not delay bringing rapists and murderers to justice. This bill means we are doing our job.

I would be remiss if I did not pause to thank some of the many people who have helped bring about the introduction of this bill. In particular, I wish to thank Senators HATCH and LEAHY, the chairman and ranking member of the Senate Judiciary Committee, for devoting so much of their time and effort to developing this legislation. Similarly, Chairman SENSENBRENNER and Ranking Member CONYERS have worked with us every step of the way to get this bill done. In addition, Senators SPECTER, DEWINE and FEINSTEIN, and Congressmen DELAHUNT and COBLE, among others, have spent countless hours contributing their ideas to this bill. I wish to thank all of these members for their leadership on this matter.

Mr. HATCH. Mr. President, will the Senator from Delaware yield for a question?

Mr. BIDEN. Of course.

Mr. HATCH. Mr. President, it is my understanding that this legislation makes certain of its grants contingent on States providing a process for post-conviction testing available. For those States that already have enacted a statute providing such testing, that statute must ensure a meaningful process for resolving a claim of actual innocence. As I understand it, almost all of the State statutes already in existence, including those of Ohio, Utah, Delaware and Pennsylvania, would pass

muster and would qualify for the grants at issue. Is that the understanding of the Senator from Delaware?

Mr. BIDEN. Yes, I thank the Senator from Utah for his question, and wholeheartedly agree with his understanding of this provision. I believe all of the drafters of this legislation are in agreement that most of the States that already have passed statutes, except for the few that limit post-conviction DNA testing to capital crimes, would pass muster. For example, even if a State's statute differs from the Federal law by imposing a meaningful time limit for filing of applications for testing, or excluding guilty pleas from eligibility, it would qualify. Specifically, Utah, Delaware, Ohio and Pennsylvania, among others, under their statutes, or the reenactment of those statutes where they have expired, would be eligible for such grants. However, States that have not yet enacted a statute would be required to enact a statute, or follow a rule, regulation or practice, that met a higher standard—the statute, rule, regulation or practice would need to be ''comparable'' to the Federal law in order for the State to qualify for the grants. I see the Senator from Pennsylvania on the Floor. I would be happy to yield to the distinguished Senator to hear his thoughts on this matter.

Mr. SPECTER. I thank the Senator for yielding time. I would just say that I completely agree with the understanding of the Senators from Delaware and Utah on this.

Mr. HATCH. Would the Senator yield?

Mr. BIDEN. It would be my pleasure.

Mr. HATCH. I would just like to make clear that the understanding of the Senator from Delaware comports completely with mine.

Mr. SPECTER. Would the Senator yield for another question?

Mr. BIDEN. Of course.

Mr. SPECTER. As the Senator knows, a second requirement for States to qualify for these grants is that—whether by State statute, State or local rule, regulation or practice—they preserve biological evidence in a reasonable way. Do the Senators from Delaware and Utah agree with me that States would qualify so long as they preserve evidence in a way sufficient to permit the testing provided for in their State statutes? For example, if a State law provides a three year time limit on post-conviction DNA testing, a practice of preserving evidence throughout those three years would qualify as ''reasonable'' under this legislation. Thus, for example, Pennsylvania, Delaware, Ohio and Utah would qualify.

Mr. BIDEN. Yes, that has been, and remains, my understanding.

Mr. HATCH. And mine as well.

Mr. LEAHY. Mr. President, three years ago, Senator SMITH, Senator COLLINS and I joined together to introduce the Innocence Protection Act, a modest and practical package of reforms aimed at reducing the risk of error in capital cases. The reforms we proposed were designed to create a fairer system of justice, where the problems that have sent innocent people to death row would not occur, and where victims and their families could be more certain of the accuracy, and finality, of the results.

During the last Congress, the Innocence Protection Act gained enormous momentum, with 32 Senators and 250 Representatives—well over half the House—signed on in support. Hearings were held in each House, and a version of the bill was reported out of the Senate Judiciary Committee by a bipartisan vote of 12 to 7. Now is the time to finish the job and enact this important legislation.

I am pleased, today, to introduce the Innocence Protection Act of 2003. This legislation is a piece of a larger bill called the Advancing Justice through DNA Technology Act of 2003, which provides an infusion of Federal funds to eliminate the current backlog of unanalyzed DNA samples in the Nation's crime labs and to improve the capacity of Federal, State and local crime labs to conduct DNA analyses.

The Innocence Protection Act of 2003 proposes two critical reforms. First, it provides greater access to post-conviction DNA testing in appropriate cases, where it can help expose wrongful convictions, and authorizes $25 million in grants over 5 years to help defray the costs of such testing. Second, the bill addresses what all the statistics and evidence show is the single most frequent cause of wrongful convictions—inadequate defense representation at trial. By far the most important reform we can undertake is to help States establish minimum standards of competency and funding for capital defense.

Other provisions of the Innocence Protection Act establish standards for preserving biological evidence in criminal cases, and substantially increase the maximum amount of compensation that may be awarded in Federal cases of wrongful conviction.

Today's Innocence Protection Act is a modified version of the bill that the Senate Judiciary Committee approved last year. These modifications follow many months of negotiation and deliberation, and were made to build further on the groundswell of support for the bill, both here on Capitol Hill and across America. More than ever, the bill is a collaborative product of which we all can be proud—an exercise of bipartisanship that is in the best tradition of the United States Congress.

I want to thank and commend the Senators and Representatives who worked so hard this summer and fall to come to agreement on a bill that we can all strongly support.

First and foremost, I want to thank my partner in this endeavor, Representative BILL DELAHUNT of Massachusetts, who has worked tirelessly over many years to achieve this goal. I also want to thank our lead Republican sponsors in both houses, Senators GORDON SMITH and SUSAN COLLINS, and Representative RAY LAHOOD of Illinois, all of whom have been steadfast in their commitment to this effort.

The Chairman of the Senate Judiciary Committee, ORRIN HATCH, deserves high praise for his leadership in our recent negotiations, as does the Chairman of the House Judiciary Committee, JIM SENSENBRENNER, and I thank them both. Senator HATCH and I have debated these issues for years. I have always appreciated his thoughtful approach and serious commitment to improving the criminal justice system. Representative SENSENBRENNER played an instrumental role in this process and I do not believe we could have come so far without his dedication. In addition, I want to extend my heartfelt thanks to Senator FEINSTEIN, who has devoted countless hours over the years to reconciling the policy differences that prevented this legislation from moving forward.

I am sorry that Senator DEWINE could not be with us earlier today to announce the introduction of the bill, and appreciate his willingness to allow us to proceed. I have long worked with Senator DEWINE on funding important forensic science tools for law enforcement, and we are currently working on a proposal with regard to how the mentally retarded are treated by the criminal justice system. His leadership on these issues is important and greatly appreciated.

Thanks, too, to the many members on both sides of the aisle, in the Senate and in the House, who have supported this legislation over the years. Working together, we can finally begin to address the many problems facing our capital punishment system.

Capital Representation Improvement Grants: I would like to take a moment now to elaborate on the capital defense representation provisions of the bill, both because they are the more important provisions and because they have been the principal subject of the recent revisions to the bill.

The new version of the Innocence Protection Act establishes a grant program for States to improve the systems by which they appoint and compensate lawyers in death cases. States that authorize capital punishment may apply for these grants or not, as they wish. However, if a State chooses to accept the money, it must open itself up to a set of requirements designed to ensure that its system truly meets basic standards. After all, the point of the bill is not to throw money at the problem of inadequate representation; the point is to fix it.

Earlier versions of the Innocence Protection Act took more of a ''carrot and stick'' approach to the counsel issue. The ''carrot'' was the same as in the current version: millions of dollars in Federal grants to help achieve adequate representation in capital cases. The ''stick''—which is no longer in the bill—has evolved over the years. At one

time, we proposed that States that failed to meet basic competent counsel standards would have their death sentences given less deference and subjected to more rigorous Federal court review. In some versions of the bill, non-complying States would also have forfeited some Federal prison grant funding over time. In the version that the Judiciary Committee approved last year, if a State chose not to participate in the new Federal grant program, the Attorney General would award the money to one or more defender organizations within the State, to be used for capital defense work.

Each of these various mechanisms would have helped ensure cooperation on the part of the States, and I am disappointed that I was unable to prevail upon my colleagues to include any one of them. Still, I believe that the current formulation is a good first step and will make a difference, provided that the grant program is fully funded and that the States which are most in need of reform elect to participate.

As reported by the Senate Judiciary Committee last year, the bill aimed to ensure full funding of the counsel program by providing that, if Congress failed to appropriate sufficient funding for the program, up to 10 percent of the Byrne block grant would be used for this purpose. I regret that this provision has been dropped from the bill; it seemed to me a good way to express our commitment to ensuring that the program is funded. However, given the tremendous support for this legislation in both houses, and on both sides of the aisle, I am confident that Congress will speak with one voice in ensuring that our years of effort are not undermined by a failure to appropriate the money needed to make this legislation effective.

Getting States to participate in the program may be more difficult. Indeed, the States that are in most need of reform may be the least inclined to participate, given that they will have the most to do to bring their indigent defense systems into compliance with the terms and conditions of the grant. While I am hopeful that States will want to improve their systems, and will welcome the infusion of Federal funds for this purpose, Congress will need to monitor this program carefully to ensure that it is meeting its stated objective of improving the quality of legal representation provided to indigent defendants in State capital cases and, if it is not, to take additional remedial action.

Kirk Bloodsworth Post-Conviction DNA Testing Grant Program: We have also established a $25 million grant program to help defray the costs of post-conviction DNA testing. This program is named in honor of Kirk Bloodsworth, the first death row inmate to be exonerated by DNA testing.

I first met Kirk in February 2000, when he came to me as a man who had been exonerated after almost nine years of wrongful imprisonment. I am proud to say that we have become close friends and partners in the fight to reform capital punishment in America. I am also delighted that Kirk can finally feel truly free. Just a few weeks ago, the State of Maryland charged another man with the crime for which Kirk was convicted and sentenced to death, after prosecutors finally ran the DNA evidence in the case through the DNA database. The prosecutor who sent Kirk to death row, and who had previously refused to acknowledge his innocence, went to his home to apologize to him.

Kirk Bloodsworth's battle to prove his own innocence has been won. But his nightmare of wrongful conviction has been repeated again and again across the country. Since the reinstatement of capital punishment in the 1970s, more than 110 individuals who were convicted and sentenced to death have been released from death row with evidence of their innocence, according to the Death Penalty Information Center. In addition, since the introduction of forensic DNA typing into the legal system in the early 1990s, many more individuals who were sentenced to long terms of imprisonment have been exonerated by post-conviction DNA testing. The Kirk Bloodsworth Post-Conviction DNA Testing Grant Program will help assist others who have experienced wrongful conviction.

Debbie Smith DNA Backlog Grant Program: As I noted earlier, this version of the Innocence Protection Act is being introduced as part of a larger package of criminal justice reforms, titled the Advancing Justice Through DNA Technology Act of 2003, which will substantially increase Federal resources available to State and local governments to combat crimes with DNA technology. Among other things, this legislation creates the Debbie Smith DNA Backlog Grant Program, which authorizes $755 million over the next five years to reduce the current backlog of unanalyzed DNA samples in the Nation's crime labs.

I have worked with the proponents of this program to revise the allocation formula, so that each State is guaranteed a minimum allocation of .50 percent of the total amount appropriated in a fiscal year. This will make the program fair for all States, including smaller States like Vermont.

As DNA testing has moved to the front lines of the war on crime, forensic laboratories nationwide have experienced a significant increase in their caseloads, both in number and complexity. Funding has simply not kept pace with this increasing demand, and forensic labs nationwide are now seriously bottlenecked.

Backlogs have seriously impeded the use of DNA testing in solving cases without suspects—and reexamining cases in which there are strong claims of innocence—as labs are required to give priority status to those cases in which a suspect is known. Solely for lack of funding, critical evidence remains untested while rapists and killers remain at large. The Debbie Smith DNA Backlog Grant Program will give States the help they desperately need to carry out DNA analyses of backlogged evidence, and I strongly support its passage and full funding.

Expansion of the Paul Coverdell Forensic Sciences Improvement Grant Program: The bill also expands and extends for another three years an existing grant program, named after our late colleague, Senator Paul Coverdell. Congress passed the Paul Coverdell National Forensic Sciences Improvement Act three years ago, with the goal of improving the quality and timeliness of State and local forensic science services. I was proud to cosponsor that legislation, and have worked since its passage to secure full funding for the grant program it establishes. Unfortunately, despite my efforts and those of other Members, and notwithstanding the urgent pleas of lab directors nationwide, the President has never requested funding for Paul Coverdell grants, and Congress has never appropriated sufficient funds to make the program effective. The legislation we introduce today renews our commitment to this important initiative.

Our bill also expands the purposes for which Paul Coverdell grants may be used, to include the elimination of a non-DNA forensic evidence backlog. The need for this measure was highlighted earlier this year at a subcommittee hearing on funding forensic sciences. Witness after witness testified that DNA evidence is not the only evidence that is going untested for lack of resources. Crime labs are also facing substantial backlogs with respect to other types of forensic science evidence, including firearms, latent prints, controlled substances, toxicology, trace evidence, questionable documents, and forensic pathology. We need to ensure that our labs are equipped to address the full range of issues that they are called upon to handle.

We have had a constructive debate. We have shown that the death penalty system is broken, and we have built a bipartisan coalition supporting reforms. It is now time to act. Our bill reflects a principled consensus on the most basic and essential reforms; it raises no serious constitutional or law enforcement concerns; it will improve criminal justice in America considerably; and it may well save innocent lives. I am therefore proud to sponsor it, and I urge its speedy passage into law.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 237—WELCOMING THE PUBLIC APOLOGIES ISSUED BY THE PRESIDENT OF SERBIA AND MONTENEGRO AND THE PRESIDENT OF THE REPUBLIC OF CROATIA AND URGING OTHER LEADERS IN THE REGION TO PERFORM SIMILAR CONCRETE ACTS OF RECONCILIATION

Mr. LIEBERMAN (for himself, Mr. MCCAIN, and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 237

Whereas the President of Serbia and Montenegro and the President of the Republic of Croatia each issued on September 10, 2003, a public statement of apology for the crimes committed by citizens of each country against citizens of the other country; and

Whereas the countries of Southeast Europe are struggling to move beyond the problems of the past and toward a brighter future that includes membership in both the European Union and NATO: Now, therefore, be it

Resolved, That the Senate—

(1) welcomes the public apologies issued on September 10, 2003, by the President of Serbia and Montenegro and the President of the Republic of Croatia;

(2) commends the initiative and personal courage demonstrated by their actions;

(3) recognizes the value of such apologies in the important process of reconciliation in Southeast Europe;

(4) notes public support within the region for these efforts;

(5) calls upon the governments in the region to continue their efforts to encourage and advance reconciliation; and

(6) reiterates the importance of resolving post-conflict issues, including—

(A) by ensuring that refugees and internally displaced persons have the right to return home; and

(B) by bringing persons indicted for war crimes to justice, including through cooperation with the International Criminal Tribunal on the Former Yugoslavia.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1794. Mr. BYRD proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes.

SA 1795. Mr. MCCONNELL (for himself and Mr. ALEXANDER) proposed an amendment to the bill S. 1689, supra.

SA 1796. Mr. BIDEN (for himself, Mr. KERRY, Mr. CHAFEE, Mr. CORZINE, Mrs. FEINSTEIN, and Mr. LAUTENBERG) proposed an amendment to the bill S. 1689, supra.

SA 1797. Mr. VOINOVICH (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1798. Mrs. HUTCHISON (for herself, Mr. GRAHAM, of South Carolina, Ms. COLLINS, Mr. CRAIG, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by her to the bill S. 1689, supra; which was ordered to lie on the table.

SA 1799. Mr. COLEMAN (for himself, Mr. DAYTON, Mr. STEVENS, Mr. DORGAN, Mr. KENNEDY, Mr. JOHNSON, Mr. CORZINE, Ms. COLLINS, Mr. GRAHAM, of South Carolina, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 1689, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1794. Mr. BYRD proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 25, line 7, strike ''rehabilitation and reconstruction in Iraq'' and all that follows through page 28, line 15 and insert ''in Iraq, $5,136,000,000, to remain available until expended, for security, including public safety requirements, national security and justice: Provided, That these funds may be transferred to any Federal account for any Federal government activity to accomplish the purposes provided herein: Provided further, That notwithstanding any provision of this chapter, none of the funds appropriated under this heading may be made available to enter into any contract or follow-on contract that uses other than full and open competitive contracting procedures as defined in 41 U.S.C. 403(6).''

SA 1795. Mr. MCCONNELL (for himself and Mr. ALEXANDER) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. COMMENDING THE ARMED FORCES FOR EFFORTS IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.

Recognizing and commending the members of the United States Armed Forces and their leaders, and the allies of the United States and their armed forces, who participated in Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq and recognizing the continuing dedication of military families and employers and defense civilians and contractors and the countless communities and patriotic organizations that lent their support to the Armed Forces during those operations.

Whereas the September 11, 2001, terrorist attacks on the United States, which killed thousands of people from the United States and other countries in New York, Virginia, and Pennsylvania, inaugurated the Global War on Terrorism;

Whereas the intelligence community quickly identified Al Qaeda as a terrorist organization with global reach and the President determined that United States national security required the elimination of the Al Qaeda terrorist organization;

Whereas the Taliban regime of Afghanistan had long harbored Al Qaeda, providing members of that organization a safe haven from which to attack the United States and its friends and allies, and the refusal of that regime to discontinue its support for international terrorism and surrender Al Qaeda's leaders to the United States made it a threat to international peace and security;

Whereas Saddam Hussein and his regime's longstanding sponsorship of international terrorism, active pursuit of weapons of mass destruction, use of such weapons against Iraq's own citizens and neighboring countries, aggression against Iraq's neighbors, and brutal repression of Iraq's population made Saddam Hussein and his regime a threat to international peace and security;

Whereas the United States pursued sustained diplomatic, political, and economic efforts to remove those threats peacefully;

Whereas on October 7, 2001, the Armed Forces of the United States and its coalition allies launched military operations in Afghanistan, designated as Operation Enduring Freedom, that quickly caused the collapse of the Taliban regime, the elimination of Afghanistan's terrorist infrastructure, and the capture of significant and numerous members of Al Qaeda;

Whereas on March 19, 2003, the Armed Forces of the United States and its coalition allies launched military operations, designated as Operation Iraqi Freedom, that quickly caused the collapse of Saddam Hussein's regime, the elimination of Iraq's terrorist infrastructure, the end of Iraq's illicit and illegal programs to acquire weapons of mass destruction, and the capture of significant international terrorists;

Whereas in those campaigns in the Global War on Terrorism, as of September 27, 2003, nearly 165,000 members of the United States Armed Forces, comprised of active, reserve, and National Guard members and units, had mobilized for Operation Enduring Freedom and Operation Iraqi Freedom;

Whereas success in those two campaigns in the Global War on Terrorism would not have been possible without the dedication, courage, and service of the members of the United States Armed Forces and the military and irregular forces of the friends and allies of the United States;

Whereas the support, love, and commitment from the families of United States service personnel participating in those two operations as well as that of the communities and patriotic organizations which provided support through the United Services Organization (USO), Operation Dear Abby, and Operation UpLink, helped to sustain those service personnel and enabled them to eliminate significant threats to United States national security while liberating oppressed peoples from dictatorial regimes;

Whereas the civilian employees of the Department of Defense, through their hard work an dedication, enabled United States military forces to quickly and effectively achieve the United States military missions in Afghanistan and Iraq;

Whereas the commitment of companies making their employees available for military service, the creativity and initiative of contractors equipping the Nation's Armed Forces with the best and most modern equipment, and the ingenuity of service companies assisting with the global overseas deployment of the Armed Forces demonstrates that the entrepreneurial spirit of the United States is an extraordinarily valuable defense asset; and

Whereas the Nation should pause to recognize with appropriate tributes and days of remembrance the sacrifice of those members of the Armed Forces who died or were wounded in Operation Enduring Freedom and Operation Iraqi Freedom, as well as all who served in or supported either of those operations: Now, therefore, be it

Therefore, the Senate

(1) conveys its deepest sympathy and condolences to the families and friends of the members of United States and coalition forces who have been injured, wounded, or killed during Operation Enduring Freedom and Operation Iraqi Freedom;

(2) commends President George W. Bush, Secretary of Defense Donald H. Rumsfeld, and United States Central Command Commander General Tommy Franks, Unites

States Army, for their planning and execution of enormously successful military campaigns in Operation Enduring Freedom and Operation Iraqi Freedom;

(3) expresses its highest commendation and most sincere appreciation to the members of the United States Armed Forces who participated in Operation Enduring Freedom and Operation Iraqi Freedom;

(4) commends the Department of Defense civilian employees and the defense contractor personnel whose skills made possible the equipping of the greatest Armed Force in the annals of modern military endeavor;

(5) supports the efforts of communities across the Nation—

(A) to prepare appropriate homecoming ceremonies to honor and welcome home the members of the Armed Forces participating in Operation Enduring Freedom and Operation Iraqi Freedom and to recognize their contributions to United States homeland security and to the Global War on Terrorism; and

(B) to prepare appropriate ceremonies to commemorate with tributes and days of remembrance the service and sacrifice of those service members killed or wounded during those operations;

(6) expresses the deep gratitude of the Nation to the 21 steadfast allies in Operation Enduring Freedom and to the 49 coalition members in Operation Iraqi Freedom, especially the United Kingdom, Australia, and Poland, whose forces, support, and contributions were invaluable and unforgettable; and

(7) recommits the United States to ensuring the safety of the United States homeland, to preventing weapons of mass destruction from reaching the hands of terrorists, and to helping the people of Iraq and Afghanistan build free and vibrant democratic societies.

SA 1796. Mr. BIDEN (for himself, Mr. KERRY, Mr. CHAFEE, Mr. CORZINE, Mrs. FEINSTEIN, and Mr. LAUTENBERG) proposed an amendment to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of title III, add the following:

SEC. ____. (a) PROVISION OF FUNDS FOR SECURITY AND STABILIZATION OF IRAQ THROUGH PARTIAL SUSPENSION OF REDUCTIONS IN HIGHEST INCOME TAX RATE FOR INDIVIDUAL TAXPAYERS.—Section 1 of the Internal Revenue Code of 1986 (relating to tax imposed) is amended by adding at the end the following new subsection:

''(j) PROVISION OF FUNDS FOR SECURITY AND STABILIZATION OF IRAQ THROUGH PARTIAL SUSPENSION OF REDUCTIONS IN HIGHEST INCOME TAX RATE.—

''(1) IN GENERAL.—In the case of any taxable year beginning in 2005, 2006, 2007, 2008, 2009, and 2010, the 35 percent rate of tax under subsections (a), (b), (c), and (d) shall be adjusted to the percentage determined by the Secretary to result in an increase in revenues into the Treasury for all taxable years beginning in 2005, 2006, 2007, 2008, 2009, and 2010 equal to $87,000,000,000.

''(2) ADJUSTMENT OF TABLES.—The Secretary shall adjust the tables prescribed under subsection (f) to carry out this subsection.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning in 2005.

SA 1797. Mr. VOINOVICH (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, between lines 20 and 21, insert the following new section:

SEC. 2313. Not later than 120 days after the date of the enactment of this Act, the President shall submit to Congress a report on the efforts of the Government of the United States to increase the resources contributed by foreign countries and international organizations to the reconstruction of Iraq and the feasibility of repayment of funds contributed for infrastructure projects in Iraq. The report shall include—

(1) a description of efforts by the Government of the United States to increase the resources contributed by foreign countries and international organizations to the reconstruction of Iraq;

(2) an accounting of the funds contributed to assist in the reconstruction of Iraq, disaggregated by donor;

(3) an assessment of the effect that—

(A) the bilateral debts incurred during the regime of Saddam Hussein have on Iraq's ability to finance essential programs to rebuild infrastructure and restore critical public services, including health care and education, in Iraq; and

(B) forgiveness of such debts would have on the reconstruction and long-term prosperity in Iraq;

(4) a description of any commitment by a foreign country or international organization to forgive any part of a debt owed by Iraq if such debt was incurred during the regime of Saddam Hussein; and

(5) an assessment of the feasibility of repayment by Iraq of any of the funds contributed by the United States to finance infrastructure projects in Iraq.

SA 1798. Mrs. HUTCHISON (for herself, Mr. GRAHAM of South Carolina, Ms. COLLINS, Mr. CRAIG, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by her to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, between lines 20 and 21, insert the following new title:

TITLE III—IRAQ RECONSTRUCTION TRUST FUND

SEC. 3001. SHORT TITLE.

This title may be cited as the ''Iraq Reconstruction Trust Fund Act''.

SEC. 3002. DEFINITIONS.

In this title:

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

(2) BOARD OF TRUSTEES.—The term ''Board of Trustees'' means the Board of Trustees of the Trust Fund referred to in section 3004(b)(1).

(3) COALITION PROVISIONAL AUTHORITY.—The term ''Coalition Provisional Authority'' means the entity charged by the President with directing reconstruction efforts in Iraq.

(4) COMPTROLLER.—The term ''Comptroller'' means the Comptroller General of the United States.

(5) GOVERNING COUNCIL IN IRAQ.—The term ''Governing Council in Iraq'' means the Governing Council established in Iraq on July 13, 2003, or any successor governing authority in Iraq.

(6) PURPOSES OF THE TRUST FUND.—The term ''purposes of the Trust Fund'' means the purposes set out in section 3004(a).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(8) TRUST FUND.—The term ''Trust Fund'' means the Iraq Reconstruction Trust Fund referred to in section 3003.

(9) WORLD BANK.—The term ''World Bank'' means the International Bank for Reconstruction and Development.

SEC. 3003. LIMITATION OF USE OF FUNDS.

Of the funds appropriated in title II under the subheading ''IRAQ RELIEF AND RECONSTRUCTION FUND'' under the heading ''OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT'' other than amounts appropriated under such subheading for security and for refugees, human rights, democracy, and civil society, $10,000,000,000 may not be obligated or expended before the Secretary negotiates with the World Bank, in consultation with the Coalition Provisional Authority, the member nations of the World Bank, and other interested parties, for the establishment within the World Bank of—

(1) the Iraq Reconstruction Trust Fund in accordance with the provisions of this title; and

(2) the Advisory Board to the Trust Fund in accordance with section 3007.

SEC. 3004. DESCRIPTION OF THE TRUST FUND.

(a) PURPOSES.—The purposes of the Trust Fund shall be to use contributed funds to—

(1) assist in restoration of infrastructure and essential services in Iraq;

(2) assist in the creation of civil society in Iraq; and

(3) ensure a secure environment for the people of Iraq.

(b) BOARD OF TRUSTEES.—

(1) IN GENERAL.—

(A) COMPOSITION.—The Trust Fund shall be governed by a Board of Trustees, which shall be composed of—

(i) 1 representative from the United States; and

(ii) 1 representative of each of the 5 countries, other than the United States, that provide the highest amount of money to the Trust Fund.

(B) QUALIFICATIONS.—Individuals appointed to such Board shall have demonstrated knowledge and experience that will assist in the carrying out of the purposes of the Trust Fund.

(2) UNITED STATES REPRESENTATION.—

(A) IN GENERAL.—Upon the effective date of this paragraph, there shall be a United States member of the Board of Trustees, who shall be appointed by the President, and who shall have the knowledge and experience described in paragraph (1).

(B) EFFECTIVE DATE.—This paragraph shall take effect on the date the Secretary certifies to Congress that an agreement establishing the Trust Fund and providing for a United States member of the Board of Trustees is in effect.

(C) TERMINATION DATE.—The position established by subparagraph (A) is abolished upon the date of termination of the Trust Fund.

(3) CONSULTATION.—The Board of Trustees shall consult with the Coalition Provisional Authority in carrying out the purposes set out in subsection (a).

(c) APPOINTMENT OF AN ADMINISTRATOR.—The Board of Trustees, in consultation with

the appropriate officials of the World Bank, shall appoint an Administrator who is responsible for managing the day-to-day operations of the Trust Fund.

(d) TERMINATION OF THE TRUST FUND.—

(1) IN GENERAL.—As part of the negotiations required by section 3003, the Secretary shall negotiate with the World Bank to establish conditions under which the Trust Fund will be terminated.

(2) REPAYMENT OF CONTRIBUTIONS.—Upon the termination of the Trust Fund, any amounts contributed to the Fund that have not been expended shall be returned to the countries that contributed funds to the Trust Fund, on a pro rata basis.

SEC. 3005. USE OF FUNDS.

(a) LOANS AND LOAN GUARANTEES.—In carrying out the purposes set out in section 3004(a), the Board of Trustees shall use the Trust Fund to provide loans and loan guarantees to eligible entities under terms that will facilitate economic development in Iraq.

(b) ELIGIBLE ENTITY.—The Board of Trustees shall determine if an entity is eligible to receive a loan or a loan guarantee from the Trust Fund.

(c) ACTIVITIES SUPPORTED.—The funds in the Trust Fund shall be used to provide loans and loan guarantees that carry out the purposes of the Trust Fund, including projects to—

(1) create or repair infrastructure to—

(A) produce and distribute electricity;

(B) extract, refine, and distribute oil;

(C) provide drinking water;

(D) treat and dispose of wastewater;

(E) provide transportation; and

(F) facilitate communications;

(2) promote public health;

(3) provide housing;

(4) ensure public safety; and

(5) develop a private sector economy.

SEC. 3006. CONTRIBUTIONS AND ACCOUNTABILITY.

(a) AUTHORITY TO SOLICIT AND ACCEPT CONTRIBUTIONS.—The Trust Fund shall be authorized to solicit and accept contributions from governments, the private sector, and nongovernmental entities of all kinds.

(b) ACCOUNTABILITY OF FUNDS AND CRITERIA FOR PROGRAMS.—The Secretary shall, consistent with subsection (c)—

(1) take such actions as are necessary to ensure that adequate procedures and standards are in place to account for and monitor the use of funds contributed to the Trust Fund, including the cost of administering the Trust Fund; and

(2) seek agreement with the World Bank on the criteria to be used to determine the programs and activities to be assisted by the Trust Fund.

(c) SELECTION OF PROJECTS AND RECIPIENTS.—The Board of Trustees shall establish—

(1) criteria for the selection of projects to receive support from the Trust Fund;

(2) standards and criteria regarding qualifications of recipients of such support;

(3) such rules and procedures as may be necessary for cost-effective management of the Trust Fund; and

(4) such rules and procedures as may be necessary to ensure transparency and accountability in the process of making loans and loan guarantees.

(d) TRANSPARENCY OF OPERATIONS.—The Board of Trustees shall ensure full and prompt public disclosure of the proposed objectives, financial organization, and operations of the Trust Fund.

(e) ACCESS TO RECORDS.—The Comptroller or any duly authorized representatives of the Comptroller shall have access to any books, documents, papers, and records of the Trust Fund for the purpose of preparing the reports required in section 3008(b).

SEC. 3007. ADVISORY BOARD.

(a) IN GENERAL.—The Board of Trustees, in consultation with the appropriate officials of the World Bank, shall appoint an Advisory Board to the Trust Fund.

(b) APPOINTMENTS.—The members of the Advisory Board should be drawn from—

(1) a broad range of individuals with experience and leadership in the fields of civil engineering, provision of utilities, oil production, public works, transportation, and communications;

(2) representatives of relevant United Nations agencies and nongovernmental organizations with on-the-ground experience in Iraq or other countries in the Middle East; and

(3) representatives of the Coalition Provisional Authority.

(c) RESPONSIBILITIES.—The Advisory Board shall provide advice and guidance to the Board of Trustees on the development and implementation of programs and projects to be assisted by the Trust Fund and on leveraging donations to the Trust Fund.

(d) PROHIBITION ON PAYMENT OF COMPENSATION.—

(1) IN GENERAL.—Except for travel expenses (including per diem in lieu of subsistence), no member of the Advisory Board shall receive compensation for services performed as a member of the Advisory Board.

(2) UNITED STATES REPRESENTATIVE.—Notwithstanding any other provision of law (including an international agreement), a representative of the United States on the Advisory Board may not accept compensation for services performed as a member of the Advisory Board, except that such representative may accept travel expenses, including per diem in lieu of subsistence, while away from the representative's home or regular place of business in the performance of services for the Advisory Board.

SEC. 3008. REPORTS TO CONGRESS.

(a) ANNUAL REPORTS BY SECRETARY.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the duration of the Trust Fund, the Secretary shall submit to the appropriate congressional committees a report on the Trust Fund.

(2) REPORT ELEMENTS.—Each report required by paragraph (1) shall include a description of—

(A) the goals of the Trust Fund;

(B) the programs, projects, and activities supported by the Trust Fund;

(C) private and governmental contributions to the Trust Fund; and

(D) the criteria that have been established that would be used to determine the programs and activities to be assisted by the Trust Fund.

(b) GAO REPORT ON TRUST FUND EFFECTIVENESS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the duration of the Trust Fund, the Comptroller shall submit to the appropriate congressional committees a report evaluating the effectiveness of the Trust Fund, including—

(1) the effectiveness of the programs, projects, and activities described in subsection (a)(2)(B) in the reconstruction in Iraq; and

(2) an assessment of the merits of continued United States financial contributions to the Trust Fund.

SEC. 3009. AVAILABILITY OF FUNDS.

(a) IN GENERAL.—In addition to any other funds available for multilateral or bilateral programs related to the purposes of the Trust Fund, of the amounts appropriated in title II under the subheading ''IRAQ RELIEF AND RECONSTRUCTION FUND'' under the heading ''OTHER BILATERAL ECONOMIC ASSISTANCE FUNDS APPROPRIATED TO THE PRESIDENT'', other than amounts appropriated under such subheading for security and for refugees, human rights, democracy, and civil society, $10,000,000,000 shall be made available for the fiscal year 2004 for contribution to the Trust Fund.

(b) MATCHING CONTRIBUTIONS.—Subject to the maximum amount available for contribution to the Trust Fund under this Act, the United States shall contribute to the Trust Fund out of the additional amount made available under subsection (a), the amount that equals the total amount contributed by foreign countries to the Trust Fund during the 180-day period that begins on the date of the enactment of this Act.

(c) TRANSFER OF FUNDS.—On the date that is 180 days after the date of the enactment of this Act, any amount made available for the Trust Fund under subsection (a) that exceeds the amount required to be contributed to the Trust Fund under subsection (b) shall cease to be available for transfer to the Trust Fund and shall be transferred to an account to be available to the Coalition Provisional Authority for use as loans to, or to guarantee loans made by, the Governing Council in Iraq.

SEC. 3010. CERTIFICATION REQUIREMENT.

Not later than 15 days prior to the initial obligation or expenditure of funds appropriated pursuant to section 3009, the Secretary shall certify to the appropriate congressional committees that—

(1) the Trust Fund has been created in accordance with the provisions of this title; and

(2) adequate procedures and standards have been established to ensure accountability for and monitoring of the use of funds contributed to the Trust Fund, including the cost of administering the Trust Fund.

SA 1799. Mr. COLEMAN (for himself, Mr. DAYTON, Mr. STEVENS, Mr. DORGAN, Mr. KENNEDY, Mr. JOHNSON, Mr. COLLINS, Mr. GRAHAM of South Carolina, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, and for others purposes; which was ordered to lie on the table; as follows:

On page , between lines and , insert the following:

SEC. . Of the funds in the Iraq Freedom Fund, such funds as necessary shall be available for the reimbursement of the cost of one round trip air fare incurred in fiscal year 2003 or 2004 by members of the United States Armed Forces only in connection with the Department of Defense Rest and Recuperation Leave Program for travel within the United States while on leave from deployment overseas in support of Operation Iraqi Freedom.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, October 2, 2003, at 2 p.m. in room 485 of the Russell Senate Office Building to conduct a hearing on S. 1438, a bill to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the Tribe concerning the contribution of the Tribe

to the production of hydro power by the Grand Coulee Dam, and for other purposes.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, October 1, 2003, at 9:30 a.m. on Climate Change.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, October 1 at 9:30 to conduct a business meeting to consider legislation S. 1643, S. 1066, S. 1663, and S. 1669, and the nomination of Michael O. Leavitt, to be Administrator of the U.S. Environmental Protection Agency.

The meeting will take place in SD 406 (hearing room).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Wednesday, October 1, 2003, at 10 a.m., to consider a substitute to S. 1637, the ''Jumpstart Our Business Strength (JOBS) Act of 2003.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 1, 2003 at 2:30 p.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, October 1, 2003, at 9:30 a.m. for a hearing title ''Deteriorating Buildings and Wasted Opportunities: The Need for Federal Property Reform.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, October 1, 2003, at 10 a.m. in the Dirksen Senate Office Building room 226 on ''The Nomination of Dora L. Irizarry to be United States District Judge for the Eastern District of New York.''

Witness List

Panel I: The Honorable Charles E. Schumer, United States Senator, D–NY.

Panel II: Dora L. Irizarry to be United States District Judge, for the Eastern District of New York.

Panel III: Thomas Z. Hayward, Jr., Chair, Standing Committee on the Federal Judiciary, American Bar Association, Pat Hines, Former Chair, Standing Committee on the Federal Judiciary, American Bar Association.

Panel IV: James F. Castro-Blanco, Esq., Immediate Past President, Puerto Rican Bar Association, Shearman & Sterling, New York City, New York, The Honorable Lewis L. Douglass, Justice, New York State Supreme Court, Chair, Franklin H. Williams, Commission on Minorities, The Honorable Michael L. Pesce, Presiding Justice, Appellate Term, New York State Supreme Court.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Kathryn Kolbe, a legislative fellow in my office, be granted the privilege of the floor during the consideration of the Defense supplemental bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I ask unanimous consent that Bob Henke, Menda Fife, B.G. Wright, and Bill Simpson of the Appropriations Committee staff have full floor access during the consideration of S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that Kathleen Pierce, a legislative fellow assigned to Senator INOUYE's office, be afforded floor privileges during the consideration of S. 1689, the emergency supplemental bill.

ROBERTO CLEMENTE WALKER POST OFFICE BUILDING

Mr. SPECTER. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of H.R. 2826 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the title of the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 2826) to designate the facility of the United States Postal Service located at 1000 Avenida Sanchez Osorio in Carolina, Puerto Rico, as the Roberto Clemente Walker Post Office Building.

There being no objection, the Senate proceeded to consider the bill.

Mr. SPECTER. 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 related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2826) was read the third time and passed.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Majority Leader, pursuant to provisions of S. Res. 98, agreed to July 25, 1997, the appointment of the Senator from Idaho, Mr. CRAIG, to the Global Climate Change Observer Group.

ORDERS FOR THURSDAY, OCTOBER 2, 2003

Mr. SPECTER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow. I ask further that following the prayer and the pledge, the morning hour be deemed expired and 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 begin a period for morning business for up to 60 minutes, with the first 30 minutes under the control of Senator HUTCHISON or her designee and the second 30 minutes under the control of the minority leader or his designee; provided that upon the conclusion of morning business, the Senate resume consideration of S. 1689, the Iraq/Afghanistan supplemental appropriations bill, as provided under the previous order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROGRAM

Mr. SPECTER. For the information of all Senators, tomorrow following morning business the Senate will resume consideration of S. 1689. Under a previous agreement, there will then be 40 minutes for debate as previously stated. The majority leader has asked me to announce that rollcall votes can be expected throughout the day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SPECTER. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:53 p.m., adjourned until Thursday, October 2, 2003, at 9:30 a.m.

NOMINATIONS

EXECUTIVE NOMINATIONS RECEIVED BY THE SENATE OCTOBER 1, 2003:

DEPARTMENT OF DEFENSE

JOHN PAUL WOODLEY, JR., OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE MICHAEL PARKER, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

FEDERAL MARITIME COMMISSION

A. PAUL ANDERSON, OF FLORIDA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2007, VICE DELMOND J. H. WON, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

UNITED STATES INTERNATIONAL TRADE COMMISSION

CHARLOTTE A. LANE, OF WEST VIRGINIA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR A TERM EXPIRING DECEMBER 16, 2009, VICE DENNIS M. DEVANEY, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DANIEL PEARSON, OF MINNESOTA, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR THE TERM EXPIRING JUNE 16, 2011, VICE LYNN M. BRAGG, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

INTER-AMERICAN FOUNDATION

JOSE A. FOURQUET, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2004, VICE MARK L. SCHNEIDER, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ADOLFO A. FRANCO, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2008, VICE JEFFREY DAVIDOW, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ROGER FRANCISCO NORIEGA, OF KANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2006, VICE HARRIETT C. BABBITT, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

AFRICAN DEVELOPMENT FOUNDATION

EPHRAIM BATAMBUZE, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING FEBRUARY 9, 2008, VICE HENRY MCKOY, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF STATE

MARY KRAMER, OF IOWA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BARBADOS AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ST. KITTS AND NEVIS, SAINT LUCIA, ANTIGUA AND BARBUDA, THE COMMONWEALTH OF DOMINICA, GRENADA, AND SAINT VINCENT AND THE GRENADINES.

UNITED STATES INSTITUTE OF PEACE

DANIEL PIPES, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005, VICE ZALMAY KHALIZAD, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

DAVID WESLEY FLEMING, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING MAY 29, 2007, VICE ALAN G. LOWY, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JAY PHILLIP GREENE, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING NOVEMBER 17, 2005, VICE LOUISE L. STEVENSON, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JOHN RICHARD PETROCIK, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING SEPTEMBER 27, 2008, VICE ELIZABETH GRIFFITH, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

PATRICK LLOYD MCCRORY, OF NORTH CAROLINA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2005, VICE RICHARD C. HACKETT, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JUANITA ALICIA VASQUEZ-GARDNER, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2003, VICE STEVEN L. ZINTER, TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JUANITA ALICIA VASQUEZ-GARDNER, OF TEXAS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2009. (REAPPOINTMENT)

EXTENSIONS OF REMARKS

A TRIBUTE TO THE TEACHERS, PARENTS, ADMINISTRATORS AND STUDENTS OF POINSETTIA SCHOOL

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. GALLEGLY. Mr. Speaker, I rise to recognize the parents, students, faculty and staff whose dedication to excellence has earned Poinsettia School in Ventura, California, recognition as a National Blue Ribbon school.

The National Blue Ribbon award honors excellence in leadership, teaching, curriculum, student achievement and parental involvement. Poinsettia School and two other schools in my district—Brookside School in Oak Park and Pinecrest School in Thousand Oaks—were recognized this year for being among the top 10 percent of schools in California in terms of student achievement.

Mr. Speaker, Poinsettia School is an elementary school and is a model for the limitless educational potential when parents are involved in their children's education. More than 75 percent of the parents volunteer at the school. A new computer lab was funded by parental donations. Parental donations also pay for what is often considered ''extras'' at schools these days: a librarian, and music, art and physical education instructors.

Poinsettia parents recognize what President George W. Bush said about the importance of a full education: ''From music and dance to painting and sculpting, the arts allow us to explore new worlds and to view life from another perspective. They also encourage individuals to sharpen their skills and abilities and to nurture their imagination and intellect.''

Of course, when teachers and administrators see parents energized about their children's education, it energizes them as well.

I am a product of the public school system, and I put my four children through Ventura County's public schools. One of my children is now a public school teacher. I am acutely aware that the most important tool we can give our children is a good education. Our students are the elected officials, businessmen, artists, scientists, parents and teachers of tomorrow.

Mr. Speaker, as our nation works in concert to better our education system, it would serve us well to study the successes of our National Blue Ribbon schools. They are the best of the best and a key to our future. I know my colleagues will join me in applauding Poinsettia Principal Cynthia Dillon, her entire staff, and the parents and students of Poinsettia for raising the bar and setting a strong example for others to follow.

REVEREND WON SANG LEE UPON HIS RETIREMENT

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to pay tribute to Reverend Won Sang Lee as he retires after 26 years as the Senior Pastor of the Korean Central Presbyterian Church in Vienna, Virginia. He has taken a lead role in providing a spiritual center for the Korean-American community in the 11th district of Virginia.

Reverend Lee has demonstrated the importance of education with his extensive studies, which began at KeiMyung University in Korea where he received a Bachelor's degree in Philosophy. He went on to complete three Master's degrees, first in Philosophy from KyungBook University, Korea, next in Theology from Dallas Theological Seminary, and finally in Near Eastern Studies from the University of Pennsylvania. He was also awarded an Honorary Doctor of Philosophy from KeiMyung University, Korea.

During Reverend Lee's career, his focus has been community outreach, both local and international. The Reverend has made an impact globally by serving as the President of Seed International, which is a mission agency that provides support for missionary activities both home and abroad, and by holding a leadership position in the Korean World Mission Council for Christ.

On a national scale, Reverend Lee has served as the Moderator for the Coalition of the Korean Churches in the Presbyterian Church in America, and as Chairman of the Korean-American Food for the Hungry. Locally, Reverend Lee has been very involved in providing a bright future for children as Chairman of the Washington Youth Foundation. He also directed the Metro-Washington Council of Korean Churches as its President.

In November 2001, the Reverend's life long commitment to his fellow human beings was recognized when he received the Virginia Governor's Award for Outstanding Religious Institution. This award was granted in honor of his work in the Korean Central Senior Center, where he has served as the Chairman of the Board of Director's since 1994.

Mr. Speaker, in closing, I would like to applaud the efforts of Reverend Lee who has provided spiritual guidance to citizens all across the globe, and more importantly right here at home. I ask all my colleagues to join me in paying tribute to this great humanitarian.

HONORING COLONEL MICHAEL A. SHUPP, USMC

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. SESSIONS. Mr. Speaker, I rise today to give my heartfelt congratulations to Colonel Michael A. Shupp, USMC on the occasion of his promotion to Colonel. Many of my fellow colleagues and I have had the distinct pleasure of knowing and working with Colonel Shupp for the last couple of years in his capacity as the Marine Corps Liaison to the House of Representatives.

Colonel Shupp was raised in Bethlehem, Pennsylvania. He attended the Virginia Military Institute and graduated with a Bachelors of Arts Degree in History. He completed the Airborne Course at Fort Benning, Georgia in 1979, and the Marine Officer's Candidate School at Quantico, Virginia, in 1980. He was commissioned a Second Lieutenant upon his graduation from VMI and entered the Marine Corps in May 1981.

In the more than twenty years since his original commissioning, Colonel Shupp has led a distinguished career in service to the Marine Corps and the country. In 1985, he reported to the United States Naval Academy, Annapolis, Maryland for duty as Southeast Regional Director of Candidate Affairs, Leadership Instructor, Brigade Drill and Ceremonies Officer, and as the Commanding Officer of the Ninth Company of the Brigade of Midshipmen. He was recognized for his performance by President Bush, Secretary of the Navy Webb, and selected by the Brigade of Midshipmen as an Honorary Graduate of the Naval Academy Class of 1989. His personal decorations include the Bronze Star with Combat ''V'' Distinguished Device, Meritorious Service Medal with gold stars in lieu of third award, Joint Service Commendation Medal, Navy-Marine Corps Commendation Medal, Navy-Marine Corps Achievement Medal, and the Combat Action Ribbon.

Colonel Shupp has been an outstanding representative of the Marine Corps to the Members and Staff of the House of Representatives. Colonel Shupp regularly accompanies Members on their official delegation trips abroad, and I often call on him for information and analysis of Defense issues.

I am exceptionally proud of Colonel Shupp's career accomplishments, however, I and many of my fellow Members are saddened that he will be leaving the Hill next spring to assume command of one of the most illustrious regiments in the Marine Corps, the 1st Marine Regiment based out of Camp Pendleton, California.

I sincerely wish Colonel Shupp, his wife Sherrye, and daughter Jessica all the best for a nice rest of their stay here in the nation's capital, and salute Colonel Shupp for his proud record of service to the Marine Corps and the country.

A TRIBUTE TO THE TEACHERS, PARENTS, ADMINISTRATORS AND STUDENTS OF BROOKSIDE SCHOOL

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. GALLEGLY. Mr. Speaker, rise to recognize the parents, students, faculty and staff whose dedication to excellence has earned Brookside School in Oak Park, California, recognition as a National Blue Ribbon school.

The National Blue Ribbon award honors excellence in leadership, teaching, curriculum, student achievement and parental involvement. Brookside School and two other schools in my district—Poinsettia School in Ventura and Pinecrest School in Thousand Oaks—were recognized this year for being among the top 10 percent of schools in California in terms of student achievement.

Mr. Speaker, Brookside School is an elementary school whose teachers and administrators teach according to each child's ability. Principal Esther Winkelman and her staff recognize that a child who is strong in arithmetic may need extra help with reading. They teach according to those needs by grouping students of equal strengths in various subjects. Then, every six weeks the students are regrouped to keep them challenged.

Brookside also believes that teacher training is essential to a strong educational environment. And, Principal Winkelman has developed a culture where veteran teachers help novices increase their skills.

Mr. Speaker, I am a product of the public school system, and I put my four children through Ventura County's public schools. One of my children is now a public school teacher. I am acutely aware that the most important tool we can give our children is a good education. As ancient philosopher Epictetus noted, ''Only the educated are free.'' Our students are the elected officials, businessmen, artists, scientists, parents and teachers of tomorrow.

Mr. Speaker, as our nation works in concert to better our education system, it would serve us well to study the successes of our National Blue Ribbon schools. They are the best of the best and a key to our future. I know my colleagues will join me in applauding Principal Winkelman, her entire staff, and the parents and students of Brookside for raising the bar and setting a strong example for others to follow.

RECOGNIZING JOANNE AMOS, PRESIDENT, REFLECTIONS PHOTOGRAPHY FOR 25 YEARS OF SUCCESS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this time to acknowledge the achievements of Joanne Amos, the President of Reflections Photography, as she celebrates 25 years in business.

Reflections, a photography firm that was founded in 1978 in Lexington, Kentucky, originally only catered to social events at nearby universities and the thoroughbred industry. Joanne Amos took the initiative to explore the possibility of expanding the business to begin covering political and corporate events. Since that decision, business has flourished and Reflections has risen to the top of the photography industry.

Over the years Reflections achieved many significant benchmarks, including serving as an official photographer for President Ronald Reagan's second inaugural ceremonies. Other major clients have included the National Governors Association, the U.S. Conference of Mayors, and the National Conference of State Legislatures. In addition, Reflections has been chosen to provide photographic coverage at every National Convention since 1984.

Reflections has grown to cover over 400 events a year, including proceedings with governors, members of Congress, and the administration. While much of their business is related to politics, they also boast a clientele list that includes a host of Fortune 500 companies and celebrities, such as the Washington Redskins, Sylvester Stallone, and even the Queen of England.

As the firm grew they opened an office in Washington, D.C. and in 1992 the headquarters was relocated here. Joanne Amos now resides in the 11th district of Virginia; from this base she will be providing event photography for the Bush-Cheney re-election campaign. This contract was won on the sheer quality of Reflection's reputation and will grant them the opportunity to show they can coordinate nationwide media coverage. Reflections will make full use of their extensive network of photographers and web-based technology to keep pace with the aggressive schedule set by the President's campaign.

Mr. Speaker, in closing, I want to applaud Joanne Amos on her outstanding guidance and leadership of Reflections photography. I call upon my colleagues to celebrate the success of this remarkable businesswoman and to wish Reflections Photography continued success.

A TRIBUTE TO FORMER MARYLAND CONGRESSMAN RICHARD E. LANKFORD

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. HOYER. Mr. Speaker, I would like to note the passing of one of my predecessors in representing the Fifth Congressional District of Maryland—Richard E. Lankford—who passed away at the age of 89 at his Easton home on September 22.

Born in Wilmington, Delaware, on July 22, 1914, Dick Lankford was raised on St. Paul Street in Baltimore's Guilford neighborhood. He earned a political science degree from the University of Virginia in 1937 and then received his law degree from the University of Maryland in 1940.

After being admitted to the Maryland Bar that same year, Dick practiced law in Annapolis, where later in life he worked as a tobacco and cattle farmer. However, his legal career was interrupted by World War Two, during which he served in the Navy as an intelligence officer in Europe.

After the war, Dick worked on the campaign of Governor William Preston Lane, Jr., and then in 1948 he entered public life himself when he was appointed to fill a vacancy in the Maryland House of Delegates. He won the election to retain that seat in 1950, and four years later he won election to this House of Representatives, defeating the incumbent, Republican Frank Small, Jr. Congressman Lankford was re-elected four times to the House of Representatives, serving 10 years in Congress, before deciding to retire in 1964.

Mr. Speaker, I vividly recall Congressman Lankford as my own Congressman when I was still completing my undergraduate studies at the University of Maryland in the early 60s. The old Fifth Congressional District, which I have been privileged to serve since 1981, then stretched all the way from South Baltimore to suburban Washington, and included industrial workers in the Curtis Bay area, tobacco farmers in Calvert County, Federal government employees in Prince George's County, and watermen in Charles County. It's a testament to Dick Lankford's ability that he successfully served constituents from such varied backgrounds and livelihoods.

In Congress, Dick Lankford worked hard to secure pay raises and to improve working conditions for Federal employees. He also was an early advocate for cleaning up Maryland's rivers and the Chesapeake Bay, as well as mass transit in the Baltimore-Washington areas. He also served with distinction on the Armed Services Committee.

I want to extend my sincere condolences to Dick's wife, Edna, as well as his daughter, Sallie, of Massachusetts, and son, Richard Jr., of Millington.

Dick Lankford was proud of his service in this House. He brought to his constituency and to our State energy and a commitment to his country that served all of them well. Today, we honor his service to the State of Maryland and these United States, and we affirm that it indeed will be remembered for many years to come.

A TRIBUTE TO THE TEACHERS, PARENTS, ADMINISTRATORS AND STUDENTS OF PINECREST SCHOOL

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. GALLEGLY. Mr. Speaker, I rise to recognize the parents, students, faculty and staff whose dedication to excellence has earned Pinecrest School in Thousand Oaks, California, recognition as a National Blue Ribbon school.

The National Blue Ribbon award honors excellence in leadership, teaching, curriculum, student achievement and parental involvement. Pinecrest School and two other schools in my district—Poinsettia School in Ventura and Brookside School in Oak Park—were recognized this year for being among the top 10 percent of schools in California in terms of student achievement.

Mr. Speaker, Pinecrest School is a private school that teaches preschool through middle school students. Its mission is ''to provide a rich educational experience for the whole

child'' through academic basics and personal responsibility.

Led by Principal Jean Narbonne, the teachers and staff instill in each child the belief that they can be successful. They insist that every child realize his or her greatest potential. They also require parental involvement in their child's studies.

Mr. Speaker, as a father and grandfather—one of my children is now a schoolteacher—I am acutely aware that the most important tool we can give our children is a good education. As ancient philosopher Epictetus noted, ''Only the educated are free.'' Our students are the elected officials, businessmen, artists, scientists, parents and teachers of tomorrow.

Mr. Speaker, as our nation works in concert to better our education system, it would serve us well to study the successes of our National Blue Ribbon schools. They are the best of the best and a key to our future. I know my colleagues will join me in applauding Principal Narbonne, her entire staff, and the parents and students of Pinecrest for raising the bar and setting a strong example for others to follow.

RECOGNITION OF THE LIFE OF MOTHER TERESA OF CALCUTTA

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today in recognition of the life of Mother Teresa of Calcutta who will be beatified by Pope John Paul II in Rome, on October 19 of this year. Mother Teresa was a heroic woman who was exceptional in her time on earth. We are all truly blessed in having been able to bear witness to the life and works of such an extraordinary woman. At 18 years of age Mother Teresa entered the convent, and from that point until her passing on September 5, 1997, she lived a selfless life. She is known mostly for her efforts with the destitute population of Calcutta, however, the hand of Mother Teresa extends much farther than the borders of India. Around the globe this remarkable woman served as a beacon for all that is good and pure in this world. She was the recipient of a host of awards; most notably, but not exclusive to, the Nobel Prize for Peace in 1979.

In the first week of September, six years ago, the world suffered an enormous blow. The woman who once said ''there is joy in transcending self to serve others'' was taken from us. In less than one month's time, this woman, who was the cornerstone for benevolence for the vast majority of the 20th century, will receive her immortality in the eyes of the Catholic Church. In light of her impending beatification for her life's work I would like to recognize and honor the memory of Mother Teresa of Calcutta.

STEVE YOUNG INDUCTED INTO THE LABOR HALL OF FAME

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. OXLEY. Mr. Speaker, I am honored today to pay tribute to the late Steve Young, former National President of the Fraternal Order of Police. Today, Steve was posthumously inducted into the Labor Hall of Fame for his tireless, dedicated service on behalf of law enforcement officers throughout the country.

Steve's 17 months as FOP president were the culmination of a distinguished career centered on protecting the rights of police officers and introducing new and innovative methods in law enforcement. Prior to his unanimous election as National President, Steve was FOP National Vice President for 4 years, and served as Ohio FOP President from 1988 to 1999. Steve died of pancreatic cancer on January 9.

Under Steve's leadership, the FOP developed a close and beneficial working relationship with the Bush Administration, laying the foundation for the smooth transfer of various law enforcement agencies to the new Department of Homeland Security. He worked directly with Labor Secretary Elaine Chao to secure a $2 million grant for a scholarship program for the spouses of officers killed in the line of duty. President Bush named Steve to his Homeland Security Advisory Council in 2002.

As a 26-year veteran of the Marion City Police Department in Marion, Ohio, Steve well understood the demands and responsibilities of law enforcement. He served the people of Marion with courage, honor, and distinction, earning the rank of lieutenant in 1997. He served as president of the Marion County FOP lodge in 1980 and 1981, and was honored with the title of President Emeritus in 2000.

Steve's induction into the Labor Hall of Fame today is a fitting tribute to an effective, well-respected voice in the law enforcement community. He joins a renowned group of Americans whose contributions have improved conditions for their fellow workers for generations. While nothing can take away the pain of losing a loved one, Steve's wife, Denise, and his sons, Steven and Staten, can take tremendous pride in his inclusion among this select group.

IN MEMORY OF ALTHEA GIBSON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. RANGEL. Mr. Speaker, I rise today to commemorate a national hero: a woman who broke the color lines in tennis, pioneering in a sport which had closed its doors to people of color for many years. On September 28, 2003, Althea Gibson died, at the age of 76, at East Orange General Hospital in New Jersey.

Though unknown to many Americans, Althea Gibson paved the way for Black people in the sport of tennis, allowing athletes such as Venus and Serena Williams to reach their present level of prominence.

Althea Gibson was born in Silver, South Carolina, and soon moved to New York City's Harlem where she developed her love of the game. She won a series of tournaments for Black players, including the National Negro Girl's Championships in 1944 and 1945, which earned her great recognition. This acclaim persuaded officials at the U.S. National Tennis Championships, the precursor to the U.S. Open, to allow Ms. Gibson to compete in 1950. In participating in this preeminent tournament, Ms. Gibson became the first Black woman to desegregate professional tennis. The following year, she played in the Wimbledon tournament, but lost in the quarterfinals.

In 1955, Ms. Gibson joined the Goodwill Athletic tour, sponsored by the State Department and while touring in 1956, she became the first Black player to win French Championships. In the following year she won the singles and doubles championships at Wimbledon. In 1957 and 1958, Ms. Gibson returned to the U.S. National Tennis Championships, winning in both years and being named the Associated Press female athlete of the year each year, as well—the first Black woman to receive such an honor.

Due to racism, however, Althea Gibson was not able to acquire endorsements and tennis brought very little financial security. Ms. Gibson left the sport in the late 1950's and joined the Harlem Globetrotters Basketball Team tour, where she played exhibition tennis matches. After retiring from tennis, Althea Gibson took up competitive golf and desegregated the Ladies Professional Golf Association tour in the early 1960's. She settled in New Jersey, where she had several jobs from athletic commissioner to manager of the recreation department in the city of East Orange. Ms. Gibson wrote two autobiographies, ''I Always Wanted To Be Somebody'' (1958) and ''So Much To Live For'' (1968). With the death of Althea Gibson, America has lost one of its groundbreaking sports heroes; however, her memory and accomplishments will continue to live on.

TRIBUTE TO PORTER COUNTY COMMISSIONER LARRY SHEETS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. VISCLOSKY. Mr. Speaker, It is with great remorse that I rise today to pay tribute to Porter County Commissioner Larry Sheets, a special friend, a mentor and a very decent man. Larry passed away late Saturday evening at Northwestern Memorial Hospital in Chicago from a pulmonary infection acquired after undergoing a stem cell replacement to prevent the return of his leukemia. I knew Larry Sheets for many years and considered him a close personal friend. He was a good man with a good heart.

Larry was a man of true and outstanding character who loved his family, was loyal to his friends and was dedicated to making the lives of people he had never met better through politics. In all my years of association with him, I never once saw him do something that was mean or petty. He was a conciliator and a man of political courage. I always saw

him place the public good before anything else when a decision had to be made. During an age of cynicism about those in public life, this alone is truly remarkable.

This has been a heartbreaking moment for all of us in Northwest Indiana, as Larry served Porter County very ably as a public official for 17 years. He was a fine public servant, a man who sincerely cared about his constituents, his fellow citizens and his civic responsibilities. Larry retired in 1999 after 34 years as a steel worker at Bethlehem Steel's Burns Harbor Plant and in 1982 won his first election as a Porter County Commissioner.

In the early 1980s, while working for the late Congressman Adam Benjamin, Jr., I had the privilege of first meeting Larry Sheets. Later, during my first bid for Congress in 1983, Larry was the first and one of only a few public officials to endorse me. At the time I was ''nobody.'' Larry made me ''somebody.'' Our friendship was extended to a shared passion. Along with my father, Larry, Bill Wallace and I would spend many fall Saturdays together in South Bend, Indiana, watching the Fighting Irish play football.

Although his work with the community put extraordinary demands on his time, Larry never limited the time he gave to his most important interest, his family. He and his gracious wife, Paula, have two terrific children: Amber and Larry Jr.

Mr. Speaker and my other distinguished colleagues, Larry Sheets was a wonderful man. We are going to miss him in Northwest Indiana. He represented the epitome of what a dedicated public servant should be, but seldom is, and for that he will always be remembered.

THE 43RD ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. BILIRAKIS. Mr. Speaker, I would like to take this opportunity to commemorate the 43rd anniversary of the Independence of the Republic of Cyprus. On October 1, 1960, Cyprus became an independent republic after decades of British colonial rule.

Over the last decades, Cyprus and the United States have established close political, economic and social ties, developing a valued friendship. Both countries gained their independence from Great Britain, and now each country celebrates the anniversary of that independence as their national holiday. More significantly, Cyprus and the United States share a deep and abiding commitment to democracy, fundamental human rights, free markets, and the ideal and practice of equal justice under law.

The relationship between Cyprus and the United States is strong and enduring. The people of Cyprus appreciate the leadership that America has shown in trying to end the division of Cyprus and bring about reunification. At the same time, the people of Cyprus stand with the American people and share in the firm resolve to uphold the ideals of freedom, justice and democracy threatened by the forces of international terrorism.

The government of Cyprus has pledged to cooperate fully with the Bush Administration in the battle against terrorism. Cypriots do not stand indifferent and passive in responding to heinous acts that target our sense of security, our civil liberties and our faith in the democratic process. Having achieved its independence after a bitter fight to uphold freedom and democracy, Cyprus understands that great determination and unity are needed in order to safeguard the treasured ideals we share.

As the Republic of Cyprus celebrates its 43rd Independence Day, I share the Cypriot's joy for having created a prosperous, open society based on solid foundations. Furthermore, I believe this is an opportunity for the United States of America and Cyprus to come closer together, as we stand united in our resolve to fight the battle on terrorism. As we move forward, I am confident that our friendship will continue well into the future.

A HAPPY 100TH BIRTHDAY TO ANGELA MARIE DARIA CARPINELLO OF CINCINNATI

HON. STEVE CHABOT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. CHABOT. Mr. Speaker, in honor of her 100th birthday, I would like to take a moment to recognize Angela Marie Daria Carpinello of Cincinnati, Ohio.

Angela was born in Cincinnati on September 28, 1903. She was the second of 14 children. She had nine brothers and five sisters. The family was raised in downtown Cincinnati. Angela's father was born in Letino, Italy and worked for the City of Cincinnati until he was accepted as a US Citizen at which point he began to work for the local phone company.

Angela met her husband, Nicola Carpinello in Cincinnati. Nicola worked at the Courthouse. Nick served in World War One and received a Silver Star and Purple Heart for his service to his country.

Nick and Angela purchased a home in Price Hill, a neighborhood of Cincinnati. While Nick worked at the Courthouse, Angela was busy raising her family. She loved to cook, clean, and care for her family and others around her.

Angela and ''Nick'' were married for 52 years. They have three children—Anthony, Malvina, and Evelyn. From these three children come the pride of Angela's life—her 24 grandchildren, 48 great-grandchildren, and seven great great grandchildren. To her family Angela is known as ''Minnie''. And, thankfully, Minnie is able to remember everyone's birthday, anniversary, and other special occasion. She has been truly blessed.

Angela often shares stories from her youth with her family. Her favorite stories include memories of the Great Flood of 1937, shopping at Shillito's with her oldest grandsons, going to God's Bible School with her siblings for Thanksgiving during the lean years, and her trip to Rhode Island to meet her husband's sister.

Angela had a few weaknesses in her life—stopping at bakeries, jewelry stores, and shopping at Gidding Jenny's. She was always well-dressed, treating herself to one new outfit per year. Angela made sure that she and Nick were always in style.

In Angela's 100 years, so much has happened, cars, buses, planes, mass communication, computers, the internet, fast food and she has taken advantage of them all. During the course of her life, Angela has traveled to Rhode Island and Florida.

Thank you, Angela, for your contributions over the past 100 years. From the United States House of Representatives, we would like to wish you a very happy 100th birthday and may God Bless you with many more.

ADMINISTRATION'S AMTRAK REFORM LEGISLATION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. OBERSTAR. Mr. Speaker, I join Chairman YOUNG in introducing, by request, the Administration's Amtrak ''reform'' legislation. It is a common practice for the Chairman and Ranking Member of a Committee to jointly introduce an Administration's bill, regardless of which political party controls the White House or Congress or the specifics of proposed legislation, and I do this as a courtesy to the Administration. However, introducing a bill ''by request'' should not be interpreted to imply endorsement. In fact, in the current instance, I am vehemently opposed to the direction the Administration has chosen for intercity rail passenger service for our nation.

For nearly two years we have awaited the Administration's legislative proposal for the future direction of Amtrak. Time and again we have heard that the vision would be revealed ''any day now.'' The Administration revealed the outline of its plan last year and now has given us the final product. It wasn't worth the wait.

The Administration's proposal is little more than a rehash of the widely discredited proposals of the Amtrak Reform Council (ARC): separate ownership of the Northeast Corridor infrastructure from operations; allow entities other than Amtrak to compete for franchises to operate service over potentially profitable routes; and replace the current national network with regional systems that shift the costs to the states. These are all ideas promoted by the ARC. The bill would also phase out Federal operating support for all intercity passenger trains over a four-year period. As a result, the proposal would eliminate nearly all long-distance train service by the end of the third year.

The bill places numerous restrictions on Amtrak management's discretion in running the Corporation—it even forbids Amtrak from using authorized funds for developing high-speed passenger train service. In short, Amtrak is to have no future. In addition, this bill also makes it clear that the Administration believes that labor is a large part of Amtrak's problem. The bill requires that Amtrak negotiate substantial operating cost reductions with its employees as the price of receiving its Federal operating grant.

The Administration is apparently placing its trust in the magic of privatization and decentralization to solve Amtrak's problems. These changes were at the heart of the ARC proposals. Those proposals missed the point when they were advanced more than 1½

years ago, and time has not transformed them into valid solutions.

Amtrak's problem has one root cause: money! From the outset back in 1971, the Corporation has been on a starvation diet. Its opponents insinuate that successive Amtrak managements have somehow conspired to misappropriate funds and not run a profitable operation. The truth is that a succession of hardworking and dedicated management teams could not do the impossible—that is, operate intercity rail passenger service in America and generate an accounting profit. Even under more favorable conditions, no nation in the world has operated intercity passenger trains profitably. But many in Congress have insisted on the impossible, and Amtrak's previous leaders have tried to demonstrate progress toward this illusive and ill-advised goal.

Now we have new leadership at Amtrak, and this Amtrak team has abandoned the long-standing defensive practice of telling Congress what Congress wants to hear. Amtrak's new President, David Gunn, has told Congress what is needed if we want to have decent and reliable intercity passenger rail service in this nation, and he says that this can be achieved without the dismantling of Amtrak as suggested by the Administration's legislative proposal. We should heed his advice and give him and his team a chance.

President Bush has begun naming a new Board of Directors, as well. I have met with the new Chairman, David Laney and he, too, is impressed by the efforts of David Gunn and his management team and their successes to date.

Therefore, while I join in introducing this bill as a traditional courtesy to the Administration, I want to be clear that I support none of its initiatives. I strongly support both H.R. 2572, the Amtrak Reauthorization Act of 2003, and H.R. 2571, the Rail Infrastructure Development and Expansion Act for the 21st Century (RIDE 21), recently reported with near unanimity by the Committee on Transportation and Infrastructure. I am hopeful that the House will soon consider this bipartisan legislation and begin to provide the necessary investment for our nation's intercity passenger rail system.

TRIBUTE TO PRIVATE EVAN O'NEILL

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. MEEHAN. Mr. Speaker, I rise to pay tribute to United States Army, Private First Class, Evan O'Neill, who died on Monday, September 29, 2003, in service to his country.

Nineteen-year-old Evan O'Neill was a resident of Haverhill, Massachusetts, in my Fifth Congressional District. Evan graduated in 2002 from the Whittier Vocational Technical High School, where he studied auto mechanics.

Evan was a member of the 10th Mountain Division, based out of Fort Drum, and was in his third month of deployment in Afghanistan.

Evan O'Neill comes from a military family that is proud of their son's service to the United States. Evan's father, Michael, a lieutenant with the Andover, Massachusetts Fire Department, was a Vietnam veteran wounded twice, receiving two Purple Hearts and the Bronze Star for his service. Michael O'Neill was as proud as any of the parents of our servicemen and women when he pinned his silver Airborne wings on his son at Fort Benning, Georgia, after Evan successfully completed his fifth and final jump. Evan had wanted to follow in his father's footsteps by someday becoming a paratrooper. His parents were fortunate enough to have had a satellite telephone conversation with their son, just hours before his untimely death.

Evan suffered multiple gunshot wounds during a firefight with suspected Taliban militia, near a coalition base at Shkin, just a few miles from the Pakistan border, an area that still continues to see violent conflicts. Two of O'Neill's comrades were also wounded in the attack.

Evan's death is a grim reminder to us all that while our brave troops continue their battle to rebuild a peaceful Iraq, war is still being waged thousands of miles away, in Afghanistan, where our country's war against terrorism began 2 years ago. More than 11,000 coalition troops remain deployed in the hunt for Taliban members, as well as remnants of al-Qaeda.

I visited Afghanistan last year, and I know that our troops who continue to serve there remain committed to stabilizing that nation and ridding that country of the Taliban rebels, the likes of who executed the attack on our country on September 11th, 2001. Evan had told his family that he wanted not only to serve his country in our military, but also to honor the losses paid by the firefighters and police officers who died in the attack on our nation.

Evan, like many other soldiers who have answered their nation's call to service, paid the ultimate sacrifice in defense of our freedom and liberty.

Evan O'Neill was a loving son, brother, and fiancé, and his commitment to his Nation and his family is one for which he will be forever remembered. His family knows that Evan's dedication to his service was of great value to him.

Both Michael and his wife, Barbara, believe their son died a hero. They are correct. U.S. Army PFC Evan O'Neill served his family, his hometown, and his country, proudly and faithfully.

RECOGNIZING CONGRESSIONAL STAFF MEMBER JARED KUTZ

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jared Kutz, a dedicated, loyal, funny, out-going and important member of my Liberty district office.

Jared has served in both my St. Joseph and Liberty offices for the last two years. As a constituent liaison he visited the northernmost counties of my district. His work keeping in touch with the people and the concerns of the sixth district was invaluable to me and my office.

Jared's easygoing style will be missed by my staff and all sixth district constituents who came in contact with him. Never in his tenure did he have a bad word to say about anyone. His outgoing and down to earth style ensured that he was never among strangers. He represents the very best of what a congressional staffer should be.

I know Jared very well from our many trips across the district together. He has worked long hours and sacrificed many of his own priorities to help do the work of the people of the sixth district. I am proud and grateful of the work he did and will miss him dearly.

Mr. Speaker, I proudly ask you to join me in commending Jared Kutz for his many important contributions to me, Missouri's sixth district and the United States House of Representatives. I also ask that you join me in extending to him our very best wishes for continued success and happiness in all his future endeavors.

AMENDING THE WAR POWERS RESOLUTION OF 1973 TO REQUIRE REPORTING A POST-CONFLICT STRATEGY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. HASTINGS of Florida. Mr. Speaker, on March 21, 2003, President Bush reported to Congress, ''consistent with the *War Powers Resolution*,'' (emphasis added) as well as P.L. 102–1 and P.L. 107–243 and ''pursuant to'' his authority as Commander in Chief, that he had ''directed U.S. Armed Forces, operating with other coalition forces, to commence operations on March 19, 2003, against Iraq.''

While declaring the beginning of war with Iraq, the Bush administration neglected to prepare for its aftermath. At that time, he should have also delineated his post-conflict reconstruction strategy because winning the peace is often harder than fighting the war.

The United States should not have waited for the end of the war to begin planning Iraq's post-conflict reconstruction. ''Conflicts today,'' retired four-star General Anthony Zinni has said, ''cannot be divided into two separate phases, the shooting and the peacekeeping parts. The war plan for the combat and the aftermath has to be 'seamless.' ''

Not having had a clear strategy to shape Iraq's political landscape at the outset of war has had negative implications for the success of the United States-led postwar efforts. From this failure by the Bush administration, we learned that the United States must have military and political strategies in hand before armed intervention.

To make sure that future presidents do not again fail to protect United States military personnel during post-conflict reconstruction involvement, the War Powers Resolution of 1973 should be expanded to demand a clear strategy for winning the war, as well as winning the peace. In its amended form, it will include a post-conflict reconstruction strategy in its list of required reports to Congress.

Successful post-conflict reconstruction does not begin the day after. It begins the day before.

THE CENTER FOR CIVIC EDUCATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. ORTIZ. Mr. Speaker, the Center for Civic Education of Los Angeles, California, is a leader in promoting civic education in the United States, and promoting democracy throughout the world. They regularly contribute to civic understanding in the United States through a presence in each Congressional District.

Their excellence in teaching citizens to appreciate and participate in their government took an international approach seven years ago through annual ''Leaders Seminars'' in the Center's Civitas Exchange Program. I am proud that the 2003 Civitas Exchange Program Leaders Seminar was co-hosted by the Federal Electoral Institute (IFE) of our friend and neighbor, Mexico.

IFE is an autonomous agency of the Mexican federal government responsible for organizing federal elections and promoting civic education. From September 25–30, 2003 the Center held the seventh annual Leaders Seminar of its Civitas Exchange Program in Mexico City, Mexico, providing an international forum on civic responsibility in maintaining democratic principals in government.

IFE and the Center for Civic Education have forged a partnership to adapt Project Citizen, a civic education program for middle school students, for use throughout the Mexican school system. At the Leaders Seminar, Mexican students who have studied democratic practices and principles (through the work of IFE and the Center) analyzed national and community problems for more than 150 delegates from some 34 countries and 30 states of the United States.

A remarkable number of entities cooperate to make the Civitas Exchange Program a leading cooperative project of civic education organizations in the United States and emerging and established democracies throughout the world. The Civitas Exchange Program is administered by the Center for Civic Education and funded by the U.S. Department of Education under the Education for Democracy Act approved by the United States Congress. International assistance comes from the U.S. Department of State and the Agency for International Development (AID).

The Center for Civic Education centers their mission on Thomas Jefferson's philosophy on the safekeeping of democracy: ''I know of no safe depository of the ultimate powers of society but the people themselves.''

For all the work the Center for Civic Education does—domestically and internationally—to better prepare our children to participate in the democratic life of our nation, I ask my colleagues to join me in commending this organization for their work to make this country—and the world in which we live—a better place for the generations that will follow us.

CONGRATULATIONS TO THE HAPPY COUPLES

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to celebrate the first day in which residents of Cook County, Illinois will have the opportunity to register their domestic partnerships with the Bureau of Vital Records. This is an important first step towards full equality for gay, lesbian, bisexual, and transgender people and I am proud to stand in solidarity with them on this historic day.

This day does not just represent a political victory for the LGBT community or a day in which, finally, same sex partners will be able to obtain proof of their relationships in an effort to get health and other benefits. It is also a day when friends and family will come together to celebrate two people's love and commitment to each other. It is a day on which a couple who committed themselves to one another years ago can finally make it official.

I would like to recognize and congratulate a few of my friends and constituents who will be registering: Gary Cozette and Joe Lada, Brandon Neese and David Wick, Mary Morten and Willa Taylor, Jackie Kaplan and Ann Perkins, Kelly Cassidy and Alex Silets, Gail Morse and Lauren Verdich, Phil Burgess and Jim Nutter, Mark Ishaug and Micah Krohn, and Michael Bauer and Roger Simon.

It is my hope, however, that our progress will not stop here. It is my hope that one day all couples in all states and counties will have the opportunity to register their partnerships and receive all the legal benefits currently enjoyed by heterosexual married couples. No one should ever have to spend time convincing a doctor to be allowed to see her partner in her hospital bed. No one should ever again have to go without health insurance if his partner's employer provides it. No one should be separated from a life partner because immigration laws don't recognize the relationship.

So, congratulations to all the couples celebrating today. This is a major victory in the fight for equality and justice.

THE BEATIFICATION OF MOTHER TERESA

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. HYDE. Mr. Speaker, I believe that if God finds a person more useless than me, He will do even greater things through her because this work is His—Mother Teresa.

Pope John Paul II will beatify Mother Teresa of Calcutta on October 19, 2003. The ceremony will take place in Rome after the shortest beatification process in modern history, a testament to the remarkable life and spirit of Mother Teresa.

Born in Macedonia, Mother Teresa became a Roman Catholic nun in 1928, which brought her to India where she taught school while living in a convent in Calcutta. Surrounded by human suffering of staggering proportions, Mother Teresa was moved to extend her commitment beyond the classroom and convent and began her lifelong ministrations to the destitute, sick and dying. She selflessly dedicated her life to alleviating the pain and suffering of the poorest of the poor. Embracing the destitute in the spirit of love and sacrifice, she came to be known as the ''Saint of the Gutters.'' Her good works inspired people throughout the world and from all walks of life to join her in caring for the poor and suffering, and inspired many young women to follow her in establishing a religious order, The Missionaries of Charity. Prior to Mother Teresa's death in 1997, The Missionaries of Charity had grown remarkably to 517 missions in more than 100 countries with 5,000 sisters in her order. The Missionaries of Charity have also produced the Fruit of Contemplative Brothers and Fathers: the lay missionaries and coworkers of Mother Teresa.

Mother Teresa saw the spirit of God in each human being, which led to her tireless efforts around the world, as her fame grew, on behalf of all human life. ''Among the works that flowed from Mother Teresa's heart, one of the most important is the adoption movement'' (the words of Pope John Paul II). She not only administered to the dying, she saved thousands of young lives. Later in her life, the spirit of human life moved her to minister to those afflicted with HIV/AIDS.

Though Roman Catholic, Mother Teresa's work embraced all persons regardless of religion, race or nationality. In turn, her work achieved international acceptance and appreciation, transcending religious and political boundaries. At her death, in recognition of her life's work serving its poor, its sick, and its dying, predominantly Hindu India accorded her state honors. Mother Teresa was an honorary American citizen, a recipient of the Nobel Peace Prize in 1979 and the Medal of Freedom in 1985. But above all, Mother Teresa was a loving, pious servant to the poor throughout the world.

Mother Teresa's life's work of relieving the suffering of the poor is carried on today by The Missionaries of Charity and by her example of a worldly life illuminated by divine grace. Her greatest contribution, however, may be her spiritual enrichment of us all.

SPACE SHUTTLE INDEPENDENT OVERSIGHT ACT OF 2003

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. HALL. Mr. Speaker, today I am introducing the ''Space Shuttle Independent Oversight Act of 2003'', legislation that will help the Space Shuttle fly more safely once it resumes its operations.

As the Congress reviews the implications of the Columbia Shuttle accident for NASA's Space Shuttle program, we acknowledge the excellent report of the *Columbia* Accident Investigation Board (CAIB), chaired by Admiral Hal Gehman. Released six weeks ago, the CAIB report clearly laid out what NASA needs to do before the Space Shuttle can be safety returned to flight, probably within the next year. Equally importantly, the report contains

many recommendations and observations on what NASA should do to keep the Shuttle flying safely over the remainder of its operational lifetime, which may extend another decade or more.

NASA has already put in place an external task force, co-chaired by Tom Stafford and Dick Covey, to oversee its implementation of the CAIB's ''return-to-flight'' recommendations—those recommendations that must be met before the next Shuttle launch. Over the coming months, the Congress will be monitoring the task force's assessment of NASA's plans closely to assure ourselves and the American public that the next flight is as safe as is humanly possible.

However, a long-term oversight problem remains. The Stafford-Covey task force will conclude its activities when the Shuttle resumes flying, or even earlier. Admiral Gehman has repeatedly registered his concern that once the Shuttle is flying again, there may be no effective oversight mechanism to ensure that NASA follows through on the long-term CAIB recommendations—those designed to keep the Shuttle flying safely over the next decade. I share his concern.

My bill will establish an external, independent, and technically competent committee to monitor NASA's implementation of the CAIB's recommendations. The committee will be selected and run by the National Academy of Sciences and the National Academy of Engineering and will provide its timely assessments to both the Congress and NASA. Following the 1986 loss of the Space Shuttle *Challenger*, the National Academies provided a similar function in overseeing the re-design of the Shuttle's solid rocket motors (SRM), as well as reviewing other post-*Challenger* Shuttle modifications. History shows that the National Academies served a vital role in providing high-quality, independent advice and assessments to NASA during that difficult time. They were tough—rejecting several redesigns and test plans before approving the final design—but they were fair, and there have been no problems with the SRMs since *Challenger.*

Why can't the Congressionally established Aerospace Safety Advisory Panel (ASAP) monitor the long-term CAIB recommendations? Because a week ago—on September 22—all nine ASAP members tendered their resignation, a distress signal that we in Congress should be taking very seriously. In interviews with the press, ASAP members have noted both their lack of independence from NASA and the discouraging fact that NASA has regularly dismissed the ASAP's safety recommendations. The oversight Committees, including the Science Committee, on which I serve as Ranking Member, need to get to the bottom of the ASAP situation. Perhaps the ASAP will need to be re-constituted legislatively to provide it with greater independence and resources.

At the same time, however, we need to establish a dedicated group that can effectively oversee NASA's implementation of the CAIB's longterm recommendations. I recognize that there may be many ways to reach this goal, and I call on the leaders of the relevant oversight Committees to convene hearings promptly to examine the various options. The strengths of my legislation are that it gives the Shuttle oversight group complete independence and it follows a model that has been proven to work effectively in the past. It also ties the oversight body to standing institutions—the National Academies—that can provide it with the support and stability it needs for the long run.

I offer this legislation with the goal of helping the NASA Administrator to promote safety in the human space flight program. I urge my colleagues to support the legislation and to speed its enactment into law.

TRIBUTE TO MARJORIE SELLERS DAY UPON HER RETIREMENT FROM ALABAMA COOPERATIVE EXTENSION SYSTEM

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. BONNER. Mr. Speaker, I rise today to pay tribute to the long and distinguished career of Marjorie S. Day who blessed the First Congressional District of Alabama with 31 years of service and devotion. Marjorie committed her life to the betterment of young children through the many years she dedicated to 4–H youth programs in the State of Alabama. She blessed the 4–H program with her exceptional gift of warmth and sincerity.

Marjorie Day graduated from Auburn University in 1970 where she obtained a Bachelor's degree in Secondary Education. She continuously worked to further her education by participating in various courses and training programs. In 1985, she graduated from the University of Alabama with a Master's of Science in Home Economics, Food & Nutrition.

Before her involvement in 4–H programs, Marjorie's career began in the Conecuh County public school system in Evergreen, Alabama, as a vocational home economics teacher. Driven by a tireless passion for serving children, she began her 31 year journey with 4–H programs in 1972 in Heflin, Alabama. Here, Marjorie worked with 600 adoring young people from fifteen different 4–H clubs. In 1977, she moved to Mobile, Alabama, where she spent the next 25 years of her career working as a county agent for Alabama Cooperative Extension System of Mobile County. Here, her youth groups continued to expand until she eventually assumed responsibility for the entire 4–H program with the assistance of other agents.

Marjorie was recognized for her exceptional talent as the recipient of various awards and honors including a 25 Years of Service Award in 1998 and a 30 Years of Service in the Government of the United States of America Award in 2002. Marjorie's undying passion to help others is an irreplaceable gift that goes above and beyond any other. There is no doubt she holds a special gift of compassion that will truly be missed.

Marjorie will surely enjoy the well deserved time she now has to spend with family and loved ones. On behalf of a grateful community, I wish her the best of luck with all future endeavors.

RECOGNIZING OF THE 43RD ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. ANDREWS. Mr. Speaker. I rise before you today in recognition of the 43rd anniversary of the independence of the Republic of Cyprus. On October 1, 1960, Cyprus broke free from 80 years of British colonial rule to become its own independent Republic. Despite the hardships that the people of Cyprus have had to endure over the past four decades, they now have one of the most vibrant economies in all of Europe, and remain committed to the core principles enshrined in the Cyprus Constitution that guarantee basic rights and freedoms to both Greek Cypriots and Turkish Cypriots.

Over the past year, the people of Cyprus have had much to celebrate. The Republic was formally admitted into the European Union, the so-called Green Line that separates the southern, government-controlled portion of the island from the northern occupied territory was partially opened so that Greek and Turkish Cypriots could explore the entirety of their homeland for the first time in nearly thirty years, and the Greek-Cypriots created and implemented a package of measures designed to assist their compatriots from the north in the areas of education, employment, healthcare, and trade.

However, despite each of these positive advancements in the divided Republic, reunification of the island has yet to occur. Due to the obdurate stance of the Turkish-Cypriot leader, Rauf Denktash, negotiations have stalled and the United Nations has ceased its efforts to bring the two sides to an agreement. At this crucial juncture, it is absolutely imperative that the United States government continues to show support for reunification of Cyprus. Fueled by international support, the Greek and Turkish Cypriots will continue their calls for reunification, and the Turkish and Turkish-Cypriot leadership may be persuaded to reconsider their positions.

In an effort to advance the peace process in Cyprus, I have introduced a bill, H. Res. 320, which calls for the removal of Turkish troops from the island. Reunification negotiations would be greatly facilitated by demilitarization of the area, as this current threat of violence is certainly not conducive to a peaceful process. I strongly urge each of my colleagues to cosponsor this important resolution. In addition, I ask that my colleagues join me in calling upon the Foreign Operations Appropriations subcommittee to work in conference to ensure that Cyprus receives funding at the $15 million level as it has in past fiscal years. US funding for Cyprus is used primarily for bicommunal programs that aim to encourage cooperation between the Greek and Turkish communities in Cyprus. The continuation of these worthwhile programs is absolutely essential to the reunification process, and, because of this, US funding is needed now more than ever.

As the citizens of the Republic of Cyprus celebrate the 43rd anniversary of their nation's

independence, I remain hopeful that the coming year will bring further advancements towards the reunification that both Greek and Turkish Cypriots have desired for decades.

TRIBUTE TO THE FAMILY VISITOR PROGRAM

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. MCINNIS. Mr. Speaker, I rise before this body of Congress and this nation to pay tribute to an outstanding organization from my district. The Family Visitor Program of Glenwood Springs, Colorado works to promote healthy families by supporting parents of newborns. The program's caregivers go to new parents, giving them a helping hand and reminding them that they are not alone. The program has worked tirelessly to strengthen Colorado's families, and I am honored to recognize the Family Visitor Program here today.

The Family Visitor Program began in 1983 after a study by the University of Colorado found that parents of newborns were often located far away from their extended families. This separation contributes to a sense of isolation and loneliness, especially when planning and caring for a new baby. The program began sending caregivers to the homes of families of newborns and expectant mothers in order to combat these feelings of loneliness, and they have continued to do so for twenty years. Newborns that were visited in the early days of the program are now parents themselves and are utilizing the benefits of this program.

Mr. Speaker, the work done by the Family Visitor Program strengthens the very core of our community: the family. For twenty years, new parents have been able to turn to the program for guidance and support, and their children have been given the chance to begin life in a happier environment. For these reasons and for their hard work, I am honored to join with my colleagues in paying tribute to the Family Visitor Program here today.

A TRIBUTE TO FORMER REPRESENTATIVE TOM LEWIS OF FLORIDA

HON. E. CLAY SHAW JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. SHAW. Mr. Speaker, I rise today as Chairman of the Florida delegation in honor of former Representative Tom Lewis, a dear and trusted friend and colleague for more than a decade. Tom recently passed away, and although his death is saddening, his life should be remembered with celebration. Tom was much more than just a Florida Republican representing the people of his state and his district, but Tom was a man of immense character and a firm believer in public service. In fact, much of Tom's life was spent protecting our great country from many different evils in a wide variety of ways.

Before Tom even thought of running for national office, he was a brave member of the Air Force of the United States. For 11 years Tom courageously and selflessly served his country in World War II and the Korean War. Wrapping up his tour of duty with the Air Force, Tom was assigned to Morrison Field in Florida, today known as Palm Beach International Airport. Becoming attached to Florida and the community, Tom and his wife, Marian, decided to stay and raise their family. Tom became chief of jet and rocket operations for Pratt and Whitney, supervising the company's work to make sure everything was up to both military and commercial standards. However, public service once again called and Tom started on what is a very impressive and influential journey that not only benefited his community and state, but his country as well.

From 1964 until 1971, Tom served as both a city councilman and mayor in North Palm Beach. He was elected to Florida's House of Representatives in 1972 and served eight years. In 1980, Tom ran successfully for the Florida Senate where he served for two years, and was recognized by his peers as the most effective first term senator. Then, in 1982, he ran successfully for a new congressional district, where he proudly served in Congress until his retirement in 1994. During his time in Congress, Tom served on the Science, Space, and Technology Committee where he wrote and passed the Air Safety Research Act requiring the FAA to establish new methods to detect aging aircraft defects and improve safety. He also passed legislation mandating a system of finding and correcting aircraft problems before they cause serious accidents.

When it appeared the U.S. Air Force was going to scrap the hurricane hunter reconnaissance program, Tom led the successful congressional charge to keep this vital program intact. As a result of this and other related priorities, the National Hurricane Conference named Tom Legislator of the Year.

Tom also served as a member of the Agriculture Committee where he was a leader in negotiating an agreement with Japan to open its markets to U.S. agricultural products, including Florida's beef and citrus. He was also a key member of the Florida delegation in working with the Office of the U.S. Trade Representative to negotiate an acceptable North American Free Trade Agreement between Mexico, Canada, and the U.S.

Never forgetting his military roots, Tom remained a friend to veterans the many years he served in Congress. His leadership and persistence ensured funding for a 400-bed Veterans hospital and nursing home in Palm Beach County. This facility opened in 1995 and serves 300,000 veterans in South Florida today.

Children were always a priority for Tom. As a way to help the thousands of school children who were watching the Challenger explosion as they were awaiting their first lesson in space, he created a program to involve them in naming the next orbiter. More than 70,000 children participated in the inter-disciplinary project sponsored by N.A.S.A., and ultimately led to the naming of the shuttle Endeavor. When Amtrak cancelled their contract, Tom successfully negotiated a new agreement with them to continue bringing more than 2,000 members of the Palm Beach County Safety Patrol members on their annual trip to the nation's capital.

Tom recognized early the transportation needs of south Florida. The work he started in the Florida legislature, and completed when he was elected to Congress, led to the completion of the ''mission link'' of I–95—creating safer traffic flow and better north-south evacuation. Using already committed I–75 right-of-way funds and other state and federal funds, Tom worked with then-Senator Lawton Chiles to add 160,000 acres of pristine marshland to the Big Cypress Preserve, contributing to the Everglades restoration.

There also exists a road in Florida, U.S. 27 that is a tiny, narrow, two-lane stretch of lane where more than 100 people were killed from 1982 through 1997. Tom and his wife Marian were instrumental in raising a reported $66 million to restore and renovate this deadly stretch of highway. The highway now bears the names of those two public servants, an honor bestowed on two of the most influential of Florida's public servants.

Tom was indeed a very close friend of mine, and my prayers go out to his family; his wife Marian, his three children, his seven grandchildren, and his one great-grandchild. Mr. Speaker, Tom Lewis will always have a place in the hearts of everyone he represented and his memory will no doubt live forever in the State of Florida.

H.R. 49, THE INTERNET TAX NONDISCRIMINATION ACT

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Ms. SCHAKOWSKY. Mr. Speaker, I rise to share my concerns about H.R. 49, the Internet Tax Nondiscrimination Act. I support extending the moratorium on internet access taxes, but this legislation goes far beyond that. It will costs cities around the country millions of dollars. This bill could have a lasting impact on our states and localities ability to collect existing telecommunications taxes.

Illinois and Chicago do not charge internet access taxes, however, the bill's definition of ''internet service'' is so broad and open ended that it could prevent state and local governments from collect existing telecommunication taxes. I am afraid that localities and states will not be allowed to charge existing taxes on voice and fax transmissions that are bundled with internet service.

In the City of Chicago, for example, the expansion of the term ''internet access'' could mean millions of dollars in tax revenue annually, which is currently used to pay for first responders, education, and other essential services.

Declining federal support and the failed economic policies of the Bush Administration have placed an awful burden on states and localities across the country. In the past few years Chicago and Illinois have been forced to cut funding for essential services. This legislation could make a bad situation worse.

Extending the moratorium on internet access taxes is prudent public policy. Nonetheless, I am concerned that the bill's definition of ''internet access'' would have a detrimental impact on cities and states across the country. The rights of our states and localities to collect existing telecommunications should not be placed in jeopardy.

TRIBUTE TO MIKE COPP

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. McINNIS. Mr. Speaker, I stand before you today to pay tribute to a remarkable citizen and civil servant from my district. Mike Copp of Glenwood Springs, Colorado recently announced his upcoming retirement as City Manager after twenty years of service. Mike has been a valuable citizen and public servant, and I would like to take this time to honor him and his two decades of hard work before this body of Congress and this nation here today.

Mike came to Glenwood Springs twenty years ago to fill the position of City Manager. Throughout his tenure, Mike has received numerous offers to manage larger cities, but he has chosen to stay put and continue to work in the city that he proudly calls home. Mike's shoes will not be easy to fill, and thankfully he has committed to stay on and help find and train his replacement. Mike has spearheaded many projects that have benefited the city over the years, and his leadership will be sorely missed.

Mr. Speaker, the position of city manager is not an easy one to fill and bears a tremendous amount of responsibility. Mike Copp did a wonderful job of meeting and exceeding those expectations. As he prepares for his future beyond public service, I would like to extend Mike my best wishes on whatever he chooses to pursue next. I thank him for his twenty years of service to the Glenwood community.

RECOGNIZING LAS MISIONES—PRESERVING SAN ANTONIO'S LIVING HISTORY WEEK

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. GONZALEZ. Mr. Speaker, next week Old Spanish Missions Inc. will launch the $15 million Las Misiones—Preserving San Antonio's Living History capital campaign. This campaign will provide critical funds to preserve and restore the San Antonio Missions. These missions are among the most important historical sites in America. Today I am paying tribute to this important campaign to keep the unique history and culture of San Antonio alive.

The King of Spain sent families to establish missions that became the heart of San Antonio. Though the missions were originally built to expand Spanish New World influence northward from Mexico, the missions' Franciscan Fathers have, throughout San Antonio's history, provided valuable charitable services and ministered the needs of the native people who were displaced by the settlements.

Each of the San Antonio Missions has its own story, which together comprise a significant part of the tumultuous and beautiful history of central Texas. Mission San José was used as a garrison during battles. Mission Concepción became the center of religious activity. Mission Espada is known for its unusually crooked archway—perhaps a mistake by the builder. Mission San Juan's rich farmlands made it a regional supplier of agricultural produce. At a time when our city is developing faster than ever, the Las Misiones campaign is preserving an important piece of our past, so the stories of the San Antonio Missions will not be forgotten.

Today I thank the Las Misiones Campaign for helping save these crown jewels of San Antonio by educating the public and raising funds to prevent their deterioration. Over 1.5 million people visit the San Antonio Missions each year and they have become San Antonio's third biggest tourist attraction. As President Lyndon B. Johnson once said, ''If future generations are to remember us with gratitude rather than contempt, we must leave them more than the miracles of technology. We must leave them a glimpse of the world as it was in the beginning, not just after we got through with it.'' To those of us who cherish the relics of the past, we should be indebted to the Las Misiones Campaign for their work to care for the buildings whose foundations were laid by our ancestors many years ago.

RELIGIOUS PERSECUTION OF ROMAN CATHOLICS IN CHINA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. WOLF. Mr. Speaker, you may recall that on September 25, I shared with our colleagues that I have been meeting with a number of groups who have been working for years to document and bring to our attention the numerous abuses committed by the Chinese government upon its own people.

The Roman Catholic Church is one such group whose bishops, priests and congregations face continual harassment and persecution. I urge colleagues to read the following statement, provided by the Cardinal Kung Foundation, and hope that it will move them to action as it has moved me.

''IN THEIR OWN WORDS'' STATEMENTS ON PERSECUTION OF THE UNDERGROUND ROMAN CATHOLIC CHURCH IN CHINA PROVIDED BY THE CARDINAL KUNG FOUNDATION

The promise of religious freedom in China is a false one. The Chinese government severely and systematically persecutes members of China's spiritual communities, including Roman Catholics, Protestants, Evangelical Christians, Tibetan Buddhists, Uighur Muslims, and members of the Falun Gong movement.

The Chinese government views religion as a threat to its power.

The Religious Affairs Bureau screens religious groups for official approval or disapproval; monitors membership in religious organizations; and controls locations of meetings, religious training, selection of religious hierarchy, publication of religious materials, and funding for religious activities. Those groups that defy the control of the Religious Affairs Bureau face severe consequences: mass campaigns, surprise raids, imposition of heavy fines, imprisonment, and torture.

The Chinese government officially permits only those Catholic churches affiliated with the CCPA. The Chinese Catholic congregations that continue to recognize the authority of the Pope constitute the Catholic underground in China.

The government considers the underground church illegal. Penalties for belonging to the underground Roman Catholic Church include exorbitant fines, imprisonment, house arrest, beatings, and labor camp internment.

Currently, every one of the underground Roman Catholic Church leaders is either in jail, under house arrest, under strict surveillance, or in hiding.

Bishop Su Zhimin, the underground Bishop of Baoding, Hebei was arrested in 1997 and has not been heard from since. His location and whether he is alive or dead remain unknown.

Bishop An Shuxin, the underground auxiliary Bishop of Baoding was arrested in March 1996 and is still in jail.

Bishop HaN Dingxiang, the underground Bishop of Yong Nian, Hebei was arrested in December 1999 and remains in jail.

Bishop ShI Enxiang, the underground Bishop of Yixian, Hebei was arrested on April 13, 2001 and is yet to be released.

Priests face similar harassment.

Fathers Pang, Ma, and Wang were arrested in July 2002 and were sentenced to three years in a labor camp for ''disturbing the peace of society'' under the ''cult'' law.

In March 2002 Father Ma Shunbao, 50, was arrested while he was offering Holy Mass on Easter Sunday and in March 2002 Father Wang Limao, 32, was arrested.

In December 2002, Father Pang Yongzing, 30, was arrested in his home.

Rev. Dong Yingmu, 37, an underground Roman Catholic priest serving the diocese of Baoding was kidnaped by the Chinese authorities during Christmas 2002 when he was on his way to offer a Holy Mass.

The abuses have continued, recently Father Lin Daoming of Fuzhou, Fujian was arrested in May 2003 when he returned home to visit his mother.

In June 2003 Father Lu Xiaozhou of Wenzhou, Zhejiang was arrested when he was preparing to administer the Sacrament of Anointing of the Sick to a dying Catholic.

In July Fathers Chen Guozhen, Kang Fuliang, Li Shujun, Pang Guangzhao, Joseph Yin of Baoding, Hebei were arrested while on their way to visit another underground priest, Father Lu Genjun, who was just released from labor camp after serving there for three years.

As figureheads for the church Roman Catholic Bishops and Priests are regularly harassed. However, their congregations are not exempt from state oppression.

On December 12, 2000, the Agency French Press reported that ''authorities in eastern China have shut down, and in many cases blown up, 450 Catholic and Protestant churches, as well as Taoist and Buddhist temples.'' Many more churches have been destroyed since then.

Six Roman Catholics from Wenzhou and Zhejiang went to DongLu in Baoding, Hebei and were arrested May 2002. They were fined a total of $3,850 for the ''illegal pilgrimage.''

In July 2002, 31 underground Roman Catholics, 26 of whom were students under the age of 18, were arrested during a summer vacation catechism class in a private home.

The National Catholic register reported that ''as many as 23,686 Christians have been arrested since 1983; 20,000 have been beaten; and 129 have been killed in an effort to stamp out the underground churches.''

In January 1997, the Cardinal Kung Foundation published a secret Chinese government document titled ''The Procedures Legally to Implement the Eradication of Illegal Activities/Operations of the Underground Catholic Church.''

The above are but a few of the many examples of the harsh and ongoing persecution of underground Roman Catholic clergy and laypersons in China. The Cardinal Kung

Foundation has documented many other instances and reported them in its press releases.

TRIBUTE TO GUY THOMS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. McINNIS. Mr. Speaker, I rise before you today to pay tribute to a remarkable public servant from my district. Sergeant Guy Thoms of Pueblo, Colorado recently retired from the Pueblo Police Department after twenty-nine years of service, and I would like to take this opportunity to thank him for his many years of dedication to the citizens of Pueblo.

Guy embarked on his service to our country in the early 1970s when he enlisted in the United States Marine Corps. He later served as a police officer in New York in 1974 where Guy served on the SWAT team until he relocated to Colorado. In 1978, Guy joined the Pueblo Police Department in the patrol division, where his mettle was steadily rewarded with promotions. In 1990, Guy was made a Sergeant and focused his efforts on combating the growing threat posed by gang violence in the region.

Guy's altruistic spirit extended beyond his official duties as a police officer and could be witnessed in his generosity towards his fellow officers. He donated portions of his vacation time to officers who were in need of time off due to injury and illness. Guy also served on the Pueblo Police Pension Board for many years.

Mr. Speaker, it is difficult to say goodbye to such a dedicated officer as Guy Thoms, and his hard work and determination will certainly be missed. The city of Pueblo has greatly benefited from its quality police force, a force that owes much of its success to officers like Guy. I thank him for his years of service and wish him all the best in the future.

ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mrs. MALONEY. Mr. Speaker, I rise today in honor of the 43rd anniversary of the Republic of Cyprus. It was on this day in 1960 that Cyprus became an independent republic after decades of British colonial rule.

I am very fortunate and privileged to represent Astoria, Queens—one of the largest and most vibrant communities of Greek and Cypriot Americans in this country.

It is truly one of my greatest pleasures as a Member of Congress to participate in the life of this community, and the wonderful and vital Cypriot friends that I have come to know are one of its greatest rewards.

This year, Cyprus' Independence Day occurs at a time of great hope for the people of Cyprus and significant advances in U.S.-Cyprus relations.

Since the last celebration of Cyprus Independence Day, Cyprus has experienced events of major historic importance. On April 16, 2003, Cyprus signed the Accession Treaty to the European Union at a special ceremony in Athens, Greece. Cyprus is slated officially to join the EU in May 2004.

Later this month, we will welcome a new Ambassador of Cyprus, Mr. Euripides Evriviades, a career diplomat with a distinguished record. He will succeed Ambassador Erato Kozakou-Marcoullis, who has left after five years of exemplary service during a remarkably eventful time for Cyprus and in our bilateral relations.

However, the commemoration of Cyprus' Independence Day this year, as in the past, is clouded by the fact that 37 percent of the Mediterranean island nation's territory continues to be illegally occupied by the Turkish military forces, in violation of UN Security Council resolutions.

Cyprus and the United States have a great deal in common. We share a deep and abiding commitment to democracy, human rights, free markets, and the ideal and practice of equal justice under the law.

In fact, Cyprus was among the first nations to express its solidarity with the United States immediately following the September 11th terrorist attacks. Cyprus has taken many concrete and active steps to target the perpetrators, collaborators and financiers of terrorism. For example, Cyprus has endorsed and implemented all resolutions and decisions of the U.N. Security Council, the EU and other International Organizations pertaining to the fight against terrorism.

Unfortunately, Cyprus is not without its own difficult history. 37 percent of this nation is still occupied by a hostile foreign power, and it has been for almost thirty years.

On July 20, 1974, Turkey invaded Cyprus, and to this day continues to maintain an estimated 35,000 heavily armed troops. Nearly 200,000 Greek Cypriots, who fell victim to a policy of ethnic cleansing, were forcibly evicted from their homes and became refugees in their own country.

Despite the hardships and trauma caused by the ongoing Turkish occupation, Cyprus has registered remarkable economic growth, and the people living in the Government-controlled areas enjoy one of the world's highest standards of living. Sadly, the people living in the occupied area continue to be mired in poverty.

Earlier this year, the Turkish occupation regime partially lifted restrictions on freedom of movement across the artificial line of division created by Turkey's military occupation. Since then, hundreds of thousands of Greek Cypriots and Turkish Cypriots have crossed the UN ceasefire line to visit their homes and properties or areas of their own country that were inaccessible to them for nearly 30 years. The peaceful and cooperative spirit in the person-to-person, family-to-family interactions between Greek Cypriots and Turkish Cypriots bodes well for the successful reunification of Cyprus.

In the times we are facing, it is clear that divisions among people create harmful, destructive environments. The U.S. has expressed its unwavering support for a peaceful solution to the Cyprus problem and I wholeheartedly agree. The relationship between Cyprus and the United States is strong and enduring. We stand together celebrating democracy and freedom, hopeful that a peaceful solution will soon be negotiated and a united Cyprus will join the EU.

TRIBUTE TO ROBERT McCARROLL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. McINNIS. Mr. Speaker, it is with solemn heart that I rise before you today to pay tribute to the life of Robert McCarroll of La Jara, Colorado. Robert was a dedicated county commissioner, member of his church and, above all, a family man. Robert was a pillar of the La Jara community, and as his family mourns his loss, I think it is appropriate that we remember his life and celebrate the work he did on behalf of others. I would like to pay tribute to this lifetime of service before this body of Congress and this Nation.

Robert served his country and his community in a variety of positions throughout his remarkable life. As a member of the Air Force during the Korean conflict, Robert served in Japan, Korea and Guam and is a member of the local Veterans of Foreign Wars Post.

Most recently, Robert served as a Conejos County Commissioner after being elected to his first term in 2000. After his retirement from his work in warehouses, Robert decided he needed to keep busy and that pursuing his interest in politics was the best way to do so. Robert was also a dedicated member of his church. Despite all of his associations and positions, his most impressive role was serving as a loving husband, father, grandfather and friend.

Mr. Speaker, it is my honor to pay tribute to the life and memory of Robert McCarroll before you today. He was a truly outstanding citizen, and he will be missed by many in his community. It is with admiration, respect and a sense of sadness that I recount Robert's seventy-three years of life before this body of Congress. Although Robert has left us, his good-natured spirit lives on through the lives of those he touched. I would like to extend my thoughts and deepest sympathies to Robert's family and friends during this difficult time.

HONORING BISHOP ERNESTINE C. REEMS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Ms. LEE. Mr. Speaker, I rise today to honor Bishop Ernestine C. Reems, Senior Pastor and Founder of Center of Hope Community Church for her lifetime of ministry and community service. She has served as a champion of faith and love for the congregation at the ''Church for all People'' in Oakland, California for 35 years.

Bishop Reems was the third child in a family of nine. She was stricken with tuberculosis at the age of thirteen and was ill for several years, but determined to live for God. Her foundation in ministry comes from her father, Bishop E. E. Cleveland. As a young adult, she traveled extensively as an evangelist with her brother, Reverend Elmer Cleveland. Although

women in the ministry were rare, Bishop Reems would not be denied and continues to follow her calling.

With little more than faith and a vision, the Center of Hope Community Church was founded in 1968 with four members. Today its membership exceeds 1500. Bishop Reems has a uniquely charismatic and humorous preaching style. Her sermons speak to people's hearts and are rich with poetic commentary, startling insights, and contemporary applications of the Bible's message. Her devotion is evidenced through a practice of intercessory prayer and fasting that has made her dear to the congregation of Center of Hope. In the audience, passionate praise, worship, and spontaneous dancing always punctuate her words.

The hallmark of Bishop Reems' ministry is her tireless compassion for people in need. Her non-judgmental attitude is one of the keys to her success in helping recovering drug addicts, prostitutes, prisoners, ex-prisoners, the homeless and others. Bishop Reems' drive is evident in her successful efforts to open a 56-unit senior housing complex, a 17-unit transitional housing program for homeless single women with children, and a 150-unit affordable housing complex. Additionally, she has founded a number of community-based services and is chairman of the boards of Hope Housing and Hope Development Corporations.

In 1988, Bishop Reems organized the E.C. Reems Women's International Ministries. Under her direction and leadership, its charter is to encourage and energize women to be active partners in the gospel and to work in their local churches. Each year the participation continues to exceed the previous year. E.C. Reems Women's International Ministries also organizes and hosts regional conferences around the USA.

She wrote two books, ''Counting Everything as Joy!'' and ''Through the Storm.'' In addition to her ministerial duties, she is the loving mother of two sons, Brondon and Brian. Her husband Paul Reems passed away recently after 41 years of devoted marriage.

Finally as I honor Dr. Reems today, I want to thank her on behalf of the entire 9th Congressional District for being a great religious and community leader. Bishop Reems has shared her wisdom and provided me tremendous support. Most of all, I thank her for her friendship and prayers.

I take great pride in joining her friends, family, and members of the congregation to salute the extraordinary Bishop Ernestine Cleveland Reems.

TRIBUTE TO MOTHER TERESA OF CALCUTTA

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mrs. JONES of Ohio. Mr. Speaker, I rise today to bring recognition to one of the 20th century's greatest public servants, the Honorable Mother Teresa of Calcutta, whose birthday was August, 27 and who will be beatified by Pope John Paul II in Rome on October 19, 2003. Her life was a steadfast devotion to providing needed assistance to the most destitute of her fellow neighbors.

Mother Teresa was born Agnes Gonxha Bojaxhiu in Albania, August 26, 1910. She decided to become a Roman Catholic Sister at the tender age of 18. She left home to join a community of Irish nuns in Calcutta. Here she took the name 'Sister Teresa,' after Saint Teresa of Lisieux, the patroness of missionaries. She spent the following 17 years teaching and being principal of 500 students at St. Mary's High School.

In 1946, she fell ill with suspected tuberculosis and was sent to the town of Darjeeling to recover.

''It was in the train I heard the call to give up all and follow him to the slums to serve him among the poorest of the poor,'' she recalled. Pope Pius XII would later grant her permission to leave her order. She arrived in the slums of Calcutta to start a school for children. It was there that she was first addressed as Mother Teresa.

Her impact was mostly felt in her adopted home, Calcutta. Over time, the work of her order, the Missionaries of Charity would spawn a global network of homes for the poor reaching from Calcutta to New York, including one of the first homes of AIDS victims. Missionaries of Charity continues its service to this day in locales across the United States and throughout the world. By 1996, she was operating 517 missions in more than 100 countries.

Mother Teresa was a paradigm of humility. When Pope Paul VI gave her a white Lincoln Continental, she auctioned the car, using the money to establish a leper colony in West Bengal. Despite her humble nature, even she was not without critics for holding steadfast positions against abortion, divorce and war.

Mother Teresa was undeterred by criticism stating, ''No matter who says what, you should accept it with a smile and do your own work.''

After an increasing frequency of heart problems, she passed away on Sept. 5, 1997.

When asked how she managed to do all she did, Mother Teresa responded, ''What matters is why you do it. If you do it out of duty or obligation, it will deplete you; but if you do it out of love, it will not; it will energize you.''

These words should be taken to heart by all public servants, in the House of Representatives and beyond.

PAYING TRIBUTE TO FIRST UNITED METHODIST CHURCH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this Nation to pay tribute to a landmark institution from my district. The First United Methodist Church of Pueblo, Colorado has served its parishioners and our community for one hundred forty years. By working to promote a spirit of unity and cooperation, the church has shaped the Pueblo community for the better. For its many years of service to the people of Pueblo, I am honored to pay tribute to the First United Methodist Church here today.

Founded in 1863, the First United Methodist Church has worked tirelessly to meet the needs of its parishioners and the community at large. Its work includes everything from promoting its missionary efforts to reaching out to less fortunate members of the community. First United Methodist is also active in the Pueblo Interfaith Hospitality Network, a program to house homeless families, and the Downtown Cooperative Care Center, a program to provide food, clothing, and assistance to the less fortunate.

Mr. Speaker, First United Methodist Church's efforts to meet the needs of the community and foster a spirit of generosity are an inspiration to us all. The church is the kind of institution that our community turns to for guidance and encouragement in their daily lives, and I am honored to join with my colleagues today in thanking the people of the First United Methodist Church for their tireless work.

TRIBUTE TO ZONIA SANDOVAL WALDON

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Ms. LOFGREN. Mr. Speaker, today I rise to recognize the achievements and invaluable contributions of Zonia Sandoval Waldon over the last 30 plus years in Santa Clara County. Her dedication to families, adults and children has been laudable.

Born and raised in El Salvador, Zonia Waldon came to the United States at age eight and went to school in San Francisco and Daly City. She is a proud mother of twin sons and has resided in Santa Clara County most of her adult life.

Ms. Waldon began her career with the Social Services Agency in 1972 starting out as an eligibility worker—what was then referred to as the ''blind unit.'' The unit was unique in that it combined the efforts of all staff members including eligibility, social workers and supervisors in resolving issues.

Learning to work well with people, both clients and staff, Ms. Waldon was given increasingly more responsible positions such as: Supervisor for General Assistance, Supervisor for Aid to Families with Dependent Children, and Supervisor for the Medi-Cal Unit at Valley Medical Center. Zonia's ability to ''get the job done'' led to her next assignment as District Office Manager of the East Valley Office of Social Services. Her role in management of facilities led to other managerial roles such as branching into labor management issues. She served as Steward, State Delegate, and Negotiator for the Union Local 535, SEIU. Zonia created the first Supervisory Chapter of Union Local 535. She was a co-founder and served as the first President of the Supervisory Chapter.

Other projects Zonia was involved with included a Family Preservation Pilot Project awarded by the State Department of Social Services. Highlights of accomplishments included: parent education, child respite care, counseling, development of Family Resource Centers, community-based child welfare services and community collaboratives. She also helped to initiate the Youth Leadership Gang Prevention Program funded by the State and the City of San Jose Mayor's Gang Task Force. This program currently serves youth

throughout Santa Clara County and has graduated more than 2,000 youth to date.

In February of 2001, Zonia Waldon was promoted to Deputy Director of the Department of Family and Children's Services. Zonia believes that her greatest accomplishment in her career was her never-ending desire to mentor people around her and to assist them in carving out their career paths. She has been a true leader and extremely instrumental in improving the quality of Social Services our community has today. I wish her all the best in the next chapter of her life. She will be sorely missed, but never forgotten.

FORTY-THIRD ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. CROWLEY. Mr. Speaker, today marks the forty-third anniversary of the independence of the Republic of Cyprus, after 80 years of British colonial rule. Independence is particularly significant for the Cypriot people because of their ancient and extensive history of conquerors, empire builders, and invaders. Throughout history Cyprus has endured oppression and occupation by preserving its unique identity and culture. While this is a day of celebration for the progress and successes that the Republic of Cyprus has achieved, it is also a solemn reminder of the Turkish occupation under which 37 percent of the island struggles.

Since Turkish troops invaded in 1974, Turkey has expelled 200,000 Greek Cypriots, moved 80,000 settlers from the Turkish mainland into Greek Cypriot homes in an attempt to change the demographics of the area and restricted the rights of the few Greek Cypriots who remain in the north. The United Nations Security Council and the European Union have condemned these actions by the Turkish government as explicit violations of international law.

After 29 years of illegal occupation, the Turkish-Cypriot leadership under Rauf Denktash has proven itself unwilling to resolve this situation. Tens of thousands of Turkish Cypriots have demonstrated in the occupied areas of the north, urging Mr. Denktash to support the U.N. peace process. But Mr. Denktash has not only rejected the plan, he has refused to allow his constituency to voice their opinion through a referendum. Due to this intransigent policy, the opportunity has been lost for all Cypriots—both Turkish and Greek. However, throughout this long path towards peace, the people of Cyprus have held on to their independence and taken huge strides in building a prosperous and flourishing nation.

Today—after 43 years of independence—Cyprus continues to grow economically, develop democratically and foster regional stability as it takes momentous steps toward joining the European Union. On April 16, 2003, along with nine other countries, Cyprus signed the Accession Treaty to the European Union with the intention of officially becoming a member-state of the EU in May 2004. The Accession of Cyprus will proceed whether it is as an island with a partition or as an island newly reunified.

The positive impact of the forthcoming EU accession will bring great benefits to all Cypriots both Greek and Turkish. It will bring foreign investment; access to markets and jobs throughout Europe, and additional development assistance to the areas of northern Cyprus. Having looked out across the Green line during my last visit to Cyprus, I strongly believe that the unification of Cyprus into a bizonal, bi-communal federation—as called for by United Nations Security Council resolutions—is the only solution that can guarantee economic development and equal political representation for all inhabitants of the island.

Globally—the United States, the EU and the international community and locally—the government of the Cypriot Republic, and the people of Cyprus, both Greek and Turkish, are committed to finding a peaceful settlement in the near future—it is time to work in good faith to make it a reality.

Despite the ongoing conflict and the obstructionist stance of the Turkish-Cypriot leadership, the Government of Cyprus has continued to also strengthen its close partnership with the United States, and it has proven the strength of these ties by providing its support in our fight against global terrorism.

Immediately after the September 11 terrorist attacks, Cyprus was among the first nations to express its solidarity with the U.S. Cyprus has granted blanket clearance for U.S. military aircraft to fly over Cyprus and to use its airports, and is sharing intelligence with and providing legal assistance to various U.S. agencies.

Cyprus has also introduced tough new criminal laws and regulations to deter and punish terrorists and their supporters, taken measures to freeze the assets of terrorists and increased security measures at seaports and airports and at the U.S. Embassy in the capital of Nicosia.

Cyprus has also endorsed and implemented U.N. Security Council Resolution 1373 (2001) to freeze the assets of terrorists and their supporters; implemented all other relevant resolutions and decisions of the U.N. Security Council, the EU and other international organizations; and ratified the International Convention for the Suppression of the Financing of Terrorism.

And most recently, on September 18, the United States and Cyprus signed a Mutual Legal Assistance Treaty that will promote closer coordination between the two countries in the fight against global terrorism, organized crime, drug trafficking and related violent crimes.

As an active member of both the Congressional Hellenic Issues Caucus and the House Committee on International Relations, I have supported a number of legislative initiatives to resolve the Cyprus dispute and promote the accession of the government of Cyprus to the European Union.

I strongly support the accession of Cyprus to the European Union, whether or not a solution to the island's division has been reached beforehand. I have cosponsored legislation calling on the U.S. Government to support EU accession, and I have written to President Bush on this matter as well.

I have co-sponsored legislation introduced in the House to end restrictions on the freedoms and human rights of the Greek Cypriot enclaves in northern Cyprus. I personally tried to visit the enclaves during a recent trip to Cyprus so I could see for myself the condition of the Greek Cypriots living there, but I was prevent from doing so by the Turkish Cypriot leadership.

I support the Administration's allocation of $15 million each year to promote measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities in Cyprus.

I believe it is critical that the Turkish Cypriot side provide information on the five American citizens of Greek Cypriot descent who have been missing since 1974. As a purely humanitarian matter, the Turkish side must make progress on this issue.

My district includes a large Cypriot-American community in Queens and I have listened to their needs and concerns regarding their homes and families in Cyprus many times. On this day of independence and celebration for Cyprus, I believe that it is important that both the United States and the Republic of Cyprus renew the commitment towards strengthening relations and working towards a peaceful and durable settlement for this divided island. I sincerely hope that the Turkish Cypriot leadership decides to make the compromises necessary to end the division of Cyprus so that the entire island can continue to prosper and develop as an active member of the international community.

Until that time comes, I congratulate the people of Cyprus on the 43d anniversary of their independence.

PAYING TRIBUTE TO JOSEPH FARIS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. MCINNIS. Mr. Speaker, it is with a heavy heart that I rise before this body of Congress and this nation today to pay tribute to the life and memory of an outstanding citizen from my district. Joseph Faris of Walsenburg, Colorado recently passed away at the age of eighty-two. Joseph was a man of integrity and vision who dealt fairly with everyone he encountered. As his family and friends mourn Joseph's passing, I am honored to pay tribute to his life and achievements here today.

Joseph was a kind and friendly man who left a mark on everyone he met. He was a gifted businessman who built his company, Faris Land and Cattle Company, into a thriving business. As an active member of the community, Joseph spent time at the Pueblo Elks Lodge and supported the Pueblo Dodgers baseball team. In addition, he loved to participate in charity golf tournaments.

Mr. Speaker, Joseph Faris had a great passion for life, and he loved to share that passion with others. While Joseph has passed on, his legacy will continue to live. I am honored to join with my colleagues in honoring Joseph here today. My thoughts are with Joseph's family during their time of bereavement.

APPOINTMENT OF A SPECIAL COUNSEL

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. SCHIFF. Mr. Speaker, I rise today to discuss a matter of great importance to this country—impacting the national security of our Nation, the integrity of our branches of government, and the public trust.

Earlier this week, the Central Intelligence Agency urged the Justice Department to open a criminal inquiry into whether Administration officials leaked the identity of a CIA agent, in order to discredit a critic of the Administration's intelligence claims with respect to an alleged uranium program in Iraq.

Mr. Speaker, prior to the war, the Members of this House were provided with specific intelligence information with regard to weapons programs in Iraq—and this country went to war based on that intelligence. However, we are now learning that some of this intelligence information was seriously flawed, including information that was explicitly featured in a State of the Union address. The syndicated newspaper column that quoted ''senior administration officials'' identifying the undercover CIA operative by name was printed in order to discredit a critic of these very claims.

Disclosure of the identity of a CIA operative is a serious setback to our national security. Such actions also undermine any efforts to candidly assess the intelligence flaws we are now discovering. Because the sharing of classified information by an administration official for political or malicious purposes is such a serious abuse of power, an independent investigation of this matter should be commenced immediately.

As a former Assistant United States Attorney, I had the opportunity to handle both corruption and espionage cases. In my view, we have a clear conflict of interest if the Attorney General and other Justice Department officials are given primary responsibility for the investigation of this potential illegality, because of the alleged involvement of high-level Administration officials.

Such an investigation will not only be difficult to pursue, but the conflict will undermine the results of the investigation, and cause the public to question its result. Rather, this investigation should be pursued by an independent and impartial special counsel appointed by the Attorney General with the full confidence of the public.

INTRODUCTION OF THE BUSINESS ACTIVITY TAX SIMPLIFICATION ACT OF 2003

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. GOODLATTE. Mr. Speaker, I am pleased to introduce today, along with my good friend Mr. BOUCHER, the Business Activity Tax Simplification Act of 2003. This important legislation provides a ''bright line'' that clarifies state and local authority to collect business activity taxes from out-of-state entities.

Many states and some local governments levy corporate income, franchise and other taxes on out-of-state companies that conduct business activities within their jurisdictions. While providing revenue for states, these taxes also serve to pay for the privilege of doing business in a state.

However, with the growth of the Internet, companies are increasingly able to conduct transactions without the constraint of geopolitical boundaries. The growth of interstate business-to-business and business-to-consumer transactions raises questions over where multi-state companies should be required to pay corporate income and other business activity taxes.

Over the past several years, a growing number of jurisdictions have sought to collect business activity taxes from businesses located in other states, even though those businesses receive no appreciable benefits from the taxing jurisdiction and even though the Supreme Court has ruled that the Constitution prohibits a state from imposing taxes on businesses that lack substantial connections to the state. This has led to unfairness and uncertainty, generated contentious, widespread litigation, and hindered business expansion, as businesses shy away from expanding their presence in other states for fear of exposure to unfair tax burdens.

In order for businesses to continue to become more efficient and expand the scope of their goods and services, it is imperative that clear and easily navigable rules be set forth regarding when an out-of-state business is obliged to pay business activity taxes to a state. Otherwise, the confusion surrounding these taxes will have a chilling effect on e-commerce, interstate commerce generally, and the entire economy as tax burdens, compliance costs, litigation, and uncertainty escalate.

Previous actions by the Supreme Court and Congress have laid the groundwork for a clear, concise and modern ''bright line'' rule in this area. In the landmark case of Quill Corp. v. North Dakota, the Supreme Court declared that a state cannot impose a tax on an out-of-state business unless that business has a ''substantial nexus'' with the taxing state. However, the Court did not define what constituted a ''substantial nexus'' for purposes of imposing business activity taxes.

In addition, over forty years ago, Congress passed legislation to prohibit jurisdictions from taxing the income of out-of-state corporations whose in-state presence was nominal. Public Law 86–272 set clear, uniform standards for when states could and could not impose such taxes on out-of-state businesses when the businesses' activities involved the solicitation of orders for sales. However, like the economy of its time, the scope of Public Law 86–272 was limited to tangible personal property. Our nation's economy has changed dramatically over the past forty years, and this outdated statute needs to be modernized.

That is why we are introducing this important legislation today. The Business Activity Tax Simplification Act both modernizes and provides clarity in an outdated and ambiguous tax environment. First, the legislation updates the protections in PL 86–272. Our legislation reflects the changing nature of our economy by expanding the scope of the protections in PL 86–272 from just tangible personal property to include intangible property and services.

In addition, our legislation sets forth clear, specific standards to govern when businesses should be obliged to pay business activity taxes to a state. Specifically, the legislation establishes a ''physical presence'' test such that an out-of-state company must have a physical presence in a state before the state can impose franchise taxes, business license taxes, and other business activity taxes.

The clarity that the Business Activity Tax Simplification Act will bring will ensure fairness, minimize litigation, and create the kind of legally certain and stable business climate that encourages businesses to make investments, expand interstate commerce, grow the economy and create new jobs. At the same time, this legislation will ensure that states and localities are fairly compensated when they provide services to businesses with a physical presence in the state.

I urge each of my colleagues to support this very important bipartisan legislation.

CELEBRATING LAS MISIONES DE SAN ANTONIO WEEK

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. RODRIGUEZ. Mr. Speaker, we are fortunate in San Antonio and the 28th District of Texas to be home to one of the few national parks located within an urban center, the San Antonio Missions National Historic Park. Today the missions represent a virtually unbroken connection with our past. Bearing the distinctive stamp of generations of Indian and Spanish craftsmen, the historic missions are still part of our daily lives as active parishes and cultural centers. In addition, some 1.5 million tourists visit the missions each year.

The four mission churches—San Jose, Concepcion, Espada and San Juan—are colonial era churches which the Spanish established to bring European religion and culture to the native and immigrant populations of the region. Today, the San Antonio Missions are among the relatively few intact examples of the colonial missions in the Southwest. Unfortunately, the four missions were largely neglected after secularization in 1824 as the functioning farms and ranches ceased operation. Today, the mission church structures are in dire need of restoration and preservation to protect the unique record of the architecture, art, and culture of the Spanish colonial period in Texas.

With the goal of preserving and restoring the church structures of Mission San Jose, Mission Concepcion, Mission Espada, and Mission San Juan, community leaders have formed the Las Misiones capital campaign. By educating all Americans about the historic, economic, architectural, cultural and spiritual significance of the churches and surrounding buildings, the three-year initiative will culminate with the restoration of the four mission church structures.

I would like to take this opportunity to commend the San Antonio community as they launch Las Misiones de San Antonio week, October 5th—October 11th. The missions are part of every Texan's history. The missions contributed to the agricultural and commercial development of central and south Texas, and they were critical to the growth of San Antonio

region and the state as a whole. It is my wish that we as a community unite to preserve San Antonio's first skyline and the largest cluster of Spanish missions in the United States. By preserving our past, we help build our future.

H.R. 1829

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. FROST. Mr. Speaker, while H.R. 1829 has been placed on the Union Calendar and I can no longer remove my name as a cosponsor of the legislation, I would like to indicate that I am no longer supportive of the bill.

While I do support providing small businesses greater access to government contracts, removing the Federal Prison Industries (FPI) mandatory source preference would result in countless inmate jobs being lost. Idle prisoners increase the likelihood of prison unrest and eliminating the program would remove the opportunity for inmates to learn vital job skills. These jobs teach the prisoners a trade that they can use after they reenter the workforce. The program is so popular that there currently are not enough jobs to fill all the requests for prison employment. Money earned by the prisoners is often used to make child support payments and pay restitution.

Mr. Speaker, under current law, federal agencies can purchase products from the private sector if their prices are lower than FPI. Doing away with FPI will cost local prison jobs and only present the possibility of creating additional domestic manufacturing jobs elsewhere.

RECOGNIZING THE 43RD ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. LANGEVIN. Mr. Speaker, as a proud member of the Hellenic Caucus, I rise today to recognize the 43d anniversary of the independence of the Republic of Cyprus. On this important day, I join the Greek Cypriots in celebrating their freedom from Great Britain in 1960.

Over 43 years, the Republic of Cyprus has overcome hardships to become a steadfast and committed democracy on the threshold of joining the European Union in 2004. Unfortunately, since a Turkish invasion in 1974, the island remains divided between the Turkish Cypriots and the Greek Cypriots despite attempts by the United Nations for a reunification settlement. Shortly after Cyprus agreed to join the European Union, the Turkish Cypriot authorities opened the borders and allowed Cypriots to cross over the line for the first time in 30 years. This past April was the first time that Cypriots from either side were able to travel through the 120-mile barrier, which continues to be guarded by U.N. peacekeeping forces.

A divided Cyprus also has the potential of blocking Turkey's bid to join the European Union, since its occupation of the northern part of Cyprus is illegal under international law. I urge the Turkish government to take steps toward uniting Cyprus and also put pressure on Rauf Denktash, the Turkish Cypriot leader, who has fallen out of line with the wishes of his people. The majority of Turkish Cypriots want to have the equality and prosperity of their neighbors.

As the Republic of Cyprus has stood by the United States during its war on terrorism, we must continue to support negotiations so that all sides benefit from reunification. There is still potential for all of Cyprus to join the EU with continued support from the European Union and the United Nations. It may be a long road to mend the strains between Turkey and Greece, but reuniting Cyprus is an important step in the right direction.

Again, I celebrate this important day for the Republic of Cyprus.

CONGRESSIONAL BLACK CAUCUS SPECIAL ORDERS ON IRAQ

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Ms. LEE. Mr. Speaker, I also want to thank the distinguished chairman of the Congressional Black Caucus for holding these special orders.

Over 300 Americans have died in Iraq. Over 1200 have been wounded. And we're spending a billion a week to finance this quagmire.

Now, Congress is being asked to approve another $87 billion to fund the Administration's war. That brings up the total to $166 billion, and there's no end in sight—no end to the deaths, no end to the bills, and no end to the war.

That $87 billion is the latest installment on the President's foreign policy doctrine of preemption.

We went to war under this doctrine: the President told the American people, Congress, and the world that we had to go to war because Iraq's weapons of mass destruction, including a nuclear weapons program, posed an imminent danger to us.

Well, we haven't found the weapons yet, so now the Administration is changing the mission: now Iraq isn't about weapons of mass destruction or regime change, now it's terrorism.

The American people want to know how this $166 billion is being spent, what our exit strategy is, and just how much we are going to have to pay to build Iraqi houses, connect Iraqi electrical grids, and construct Iraqi schools.

It's not that we begrudge the needs of the Iraqi people—it's just that we also see dire needs here at home.

We're not isolationists—it's in our national interest to help create stability in Iraq and it's a moral imperative to repair the damage our bombs did, but there has to be a vision of how to get us out.

We must leave an Iraq that is stable and secure, but we must leave.

And we all need to understand that this war against Iraq is not an isolated act but part of the Doctrine of Preemption that could also lead us to war against North Korea, Iran, Syria, or almost anyone else.

Dr. Martin Luther King, Jr. would recognize this war. As he warned us, ''In the wasteland of war,'' he said, ''The expenditure of resources knows no restraints.''

Dr. King knew that war could be a bottomless pit, into which this great nation could pour all of its resources, all of its young people, and never come out safer or stronger.

We have to stop this. That is our call to arms.

Because if we don't stop them, this $87 billion bill will be followed by more and more installment payments, and those 304 Americans who have died in Iraq will be followed by far too many more young men and women.

Let's find our way out of this wasteland.

HONORING CYPRUS INDEPENDENCE DAY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. HOLT. Mr. Speaker, on behalf of the many Cypriot Americans in New Jersey I rise today to honor the 43d anniversary of the Independence of the Republic of Cyprus. Cyprus became an independent Republic in 1960 after 80 years of British colonial rule and hundreds of years under the yoke of the Ottoman Empire. Despite a series of tragic events during the past four decades, the Government of the Republic of Cyprus remains committed to the core principles enshrined in the Constitution of Cyprus guaranteeing the basic rights and freedoms of the people of Cyprus—Greek Cypriots, Turkish Cypriots and Cypriots from all ethnic and religious communities.

This year, Cyprus's Independence Day arrives at a time of great hope for all the people of Cyprus. Since the last celebration of Cyprus Independence Day, Cyprus has experienced events of major historic import—most notably the signing of the Treaty of Accession to the European Union in April of this year. Cyprus is now on target to join the EU in May 2004 and that is no small achievement for a nation that has endured such a long list of tragedies.

As in past years, however, the continued de facto division of the island nation clouds the commemoration of its Independence Day. Thirty-seven percent of the Republic's territory continues to be occupied by Turkish military forces in violation of U.N. Security Council resolutions and international law.

While the Cyprus problem continues to elude a final, just, and peaceful solution, never before in the 29 years since Turkish forces split the island in two, have Cypriots been so close to a settlement. And yet they are so far away. The last year has been fraught with opportunities lost—many of us here in Congress thought that the Copenhagen Summit last winter offered a unique opportunity for Greek and Turkish Cypriots to finally resolve their differences. A new Turkish leadership in Ankara looked poised to make history and then didn't.

We had hope. The plan put forth by U.N. Secretary General Kofi Annan continued to gain momentum. Thousands of Turkish Cypriots were protesting in the streets against their leader Rauf Denktash calling on him to accept the Annan plan. There was anticipation that referenda would occur this past spring and finally liberate Cypriots from the oppressive division of their island.

And then as has often happened in the history of Cyprus an opportunity was lost. Mr. Denktash, the Turkish Cypriot leader, would not take the Annan plan to his people for a referendum. Denktash abandoned the Annan plan. And a frustrated U.N. closed up shop and went home.

And then something wonderful happened. Mr. Denktash unilaterally opened up the borders. Some on Cyprus and in Congress have looked upon this action with suspicion, but I don't think anyone can dispute that the results have been overwhelming positive for the Cypriot people. There are a lot of experts with different opinions on why Mr. Denktash did what he did, but one thing is for certain. Cypriots have begun talking to Cypriots again. An artificial line has been eliminated and I don't think there's any turning back.

One of my constituents, Theo Hadjitheodosiou from Holmdale, New Jersey, was born in Cyprus. He is Greek Cypriot and recently returned to Cyprus to cross the Green Line to see one of the homes where some of his family used to live before the 1974 invasion. He said it was nice to go, but that he remained saddened by the continued occupation by Turkish forces.

Can you imagine having to show your passport to go from Trenton to Pennsylvania? That's what it's like. The division has been particularly hard on the Turkish Cypriots, he said. Like many other Cypriots, Theo sees the opening of the border as only a first step on the road toward a settlement.

I am hopeful that the renewed human contact between Greek and Turkish Cypriots will accelerate the political process. Eventually, trust will be rebuilt among people. And then the enemies of peace will have no choice but to let go of their stubborn, outdated positions to make way for a new generation that will embrace a peaceful future—a future of one Cyprus, made up of Turkish and Greek Cypriots—in which all citizens are not only Cypriot, but more importantly, European.

I will continue to do what I can in Congress to support a Cyprus solution based on the Annan plan. I will continue to urge the Bush administration to convince the Turks in Ankara that a solution in Cyprus will provide the gateway to Turkey's own goals of a European future. As elections approach in the Turkish-occupied area, I will ask the administration to make it clear to Ankara not to interfere. Polls recently conducted on Cyprus indicate that if free and fair elections were held in the North, the Turkish Cypriots would elect a new, pro-settlement leadership. A new Turkish Cypriot leadership that represents the aspirations of a majority of Turkish Cypriots would be a welcome development and would probably lead to the renewal of settlement negotiations.

Mr. Chairman, I rise today on Cyprus Independence Day to celebrate the progress that Cyprus continues to make as an incoming member state of the European Union, as a vibrant democracy with a robust market economy, and as an increasingly important partner of the United States. And I hope, as I do each year, that the people of Cyprus will soon enjoy the benefits of a peaceful settlement.

HURRICANE ISABEL

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. HOYER. Mr. Speaker, last month, our region was subjected to nature's unbridled wrath. And, despite the advances in technology that gave us fair warning that a storm of this magnitude was approaching, there was little anyone could do to escape the destruction Isabel left in her wake. The five counties I represent all suffered enormous damage, families were displaced and without power for days, homes and businesses were demolished, and our natural resources were destroyed by the strength of the winds and rain that accompanied this vicious hurricane.

Our region responded quickly and directed the full force of its resources to assist residents and business owners with their recovery efforts. I am extremely grateful to our first responders, local and state officials, and disaster assistance teams from the Federal Emergency Management Agency (FEMA), the Maryland Emergency Management Agency (MEMA), the Army Corps of Engineers, law enforcement officials and community volunteers who I saw throughout our communities when I visited parts of St. Mary's, Anne Arundel, and Calvert counties in the week following the storm.

On Thursday, September 25 I joined Senators SARBANES and MIKULSKI, as well as my colleagues in the Maryland Congressional Delegation, to hear from representatives from several federal and State of Maryland agencies on relief efforts underway to help the citizens of Maryland and small businesses throughout the State. We were informed that the counties were completing their Preliminary Damage Assessments which would be submitted to MEMA and FEMA so that funds could be designated to assist with the clean-up and recovery.

Thus far, Maryland has qualified for federal assistance with debris removal and emergency protective services. If the damage in other areas meets the threshold for disasters, Maryland could become eligible for more categories of federal assistance, including repair of roads and bridges, water control facilities, buildings and equipment, utilities and parks.

Recovering from this storm will be a long process, and we all will face challenges along the way. I will continue to work with elected officials and residents throughout the 5th District of Maryland to provide any resources I can to help in this recovery process.

GROUPS RALLY TO SUPPORT YOUTH WORKER PROTECTION ACT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 1, 2003

Mr. LANTOS. Mr. Speaker, on September 23, 2003 I introduced H.R. 3139, the Youth Worker Protection Act, (YWPA). This bill will make necessary common sense changes to America's child labor laws, which have not been significantly amended since their creation nearly 70 years ago.

Mr. Speaker, according to the National Institute for Occupational Safety and Health (NIOSH) an average of 230,000 teenagers are injured on the job each year and even more shocking is the fact that an average of 67 teen workers die each year from injuries sustained while on the job. That means a teen worker dies from work related injuries in this country every five days.

The YWPA, addresses two major aspects of child labor: the deaths and serious injuries suffered by our young workers and the negative impact which working excessive hours during school can have on a child's education. I am honored to have the support of numerous organizations, including; the National Consumers League, the National Education Association (NEA), United Methodist Women, the International Initiative to End Child Labor, and Youth Advocate Program International. Mr. Speaker, these extraordinary organizations have dedicated themselves to advocating an end to exploitive child labor and I request that their letters be placed in the CONGRESSIONAL RECORD.

YOUTH ADVOCATE PROGRAM INTERNATIONAL,
Washington, DC, September 3, 2003.

Hon. TOM LANTOS,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE LANTOS: Youth Advocate Program International would like to voice its strong support for the Youth Worker Protection Act and urge you to present this act to Congress at your earliest convenience.

YAP International believes that everyone, including children, can contribute to society through work. We believe job-skill training should be provided to young people and that youth should experience the pride that comes from work well done. We understand that in some situations children must work to meet their own survival needs and those of their family. However, gaining an education should be a youth's primary job and we support the Youth Worker Protection Act for formally recognizing and promoting this principle.

We support monitoring of child labor practices to ensure that work does not compromise the child's overall health, well-being, and access to free, compulsory and meaningful education. We strongly urge that monitoring efforts not only include the formal sector—work in a factory or business setting—but also work in the informal sector, including domestic workers, agricultural workers, street vendors, and heads of households/caregivers.

Youth Advocate Program International commends your leadership to update and strengthen child labor laws in the United States, and we urge you to continue supporting the Youth Worker Protection Act. Feel free to contact our office if we can provide any assistance to you in further promoting the rights of children. Thank you for your time and continued advocacy on behalf of youth worldwide.

In Service to Youth,

PATRICK J. SCHOOF,
Director.

NATIONAL EDUCATION ASSOCIATION,
Washington, DC.

Representative TOM LANTOS,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE LANTOS: On behalf of the National Education Association's (NEA) 2.7 million members, we would like to express our support for the Youth Worker Protection Act.

NEA believes that young people should focus on education as their primary job and that excessive and unusual working hours are detrimental to students' attention span and academic achievement. Unfortunately, many minors are employed for as many as 15 hours during the school week, with some youth working more than 25 hours a week. In addition, too many very young children—some as young as age five—are employed as migrant and seasonal farmworkers. Such work clearly interferes with and undermines the educational process.

By strengthening the Fair Labor Standards Act's child labor provisions, the Youth Worker Protection Act will ensure that minors can enjoy the benefits of workforce experience, while maintaining their focus on education. We thank you for your leadership on this important issue and look forward to working with you to protect our nation's children.

Sincerely,

DIANE SHUST,
Director of Government Relations.
Randall Moody,
Manager of Federal Policy and Politics.

NATIONAL CONSUMERS LEAGUE,
Washington, DC, September 10, 2003.

Hon. TOM LANTOS,
House of Representatives, Rayburn House Office Bldg., Washington, DC.

DEAR REPRESENTATIVE LANTOS: The National Consumers League (NCL) commends you for addressing critical child labor problems in your Youth Worker Protection Act. These problems can be corrected. The status quo cannot remain.

In the first two weeks of August, four young workers, all of them 16 years old, died on the job—one in roofing, one in a wrecking yard, and two in commercial agriculture.

Every 30 seconds, a young worker under the age of 18 is injured on the job. One teen dies due to workplace injury on average every five days. These statistics are not from a developing country. They reflect the reality of youth employment in the United States, based on statistics from the National Institute for Occupational Safety and Health. Yet, the Hazardous Orders (HOs) found in the Fair Labor Standards Act (FLSA) have not been comprehensively reviewed and updated since they were enacted in 1938. These HOs are our first line of defense in protecting youth from dangerous occupations, industries, and machinery that threaten their health and safety.

Research shows that students who work more than 20 hours a week demonstrate higher incidence of academic distress, alcohol and drug abuse, and autonomy from parents. Yet, in the United States, a student who is 16 years old and older can work unlimited hours per day or week, at any time of day or night during a school week. More U.S. teens are employed and work for longer hours during the school week than in any other affluent country—especially in those countries that are outperforming this country in academic scores.

In commercial agriculture, as many as 800,000 youth under the age of 18 are hired farmworkers, harvesting our nation's fruits and vegetables. Children of migrant and seasonal farmworkers are routinely exposed to dangerous pesticides and insecticides, hazardous equipment and tools, and work that stresses their developing bodies. These children may legally work as young as ten years old under the FLSA. Youth working in agriculture are less protected than youth working in non-agricultural occupations. They may perform hazardous work at 16 and may legally work at younger ages, for more hours, at any hour of the day or night (outside of school hours).

No one questions that employment offers youth many benefits. NCL supports appropriate and safe youth employment. But, too much of youth work today is neither. The FLSA's child labor provisions are inadequate. It is critical that they be updated to reflect the realities of youth employment today, new technologies and hazards, and the educational competitiveness our youth and country need to maintain to succeed.

Founded in 1899, NCL is America's oldest national consumer advocacy organization. Its mission is to represent consumers in the marketplace and the workplace through investigation, education and advocacy. One of our first and continuing concerns is protecting working minors and ending child labor exploitation in the United States and abroad.

NCL is pleased to endorse this bill and is committed to employing our resources to promote the bill's passage at the earliest time. Again, thank you for your leadership on this important issue.

Sincerely,

LINDA F. GOLODNER,
President.

GENERAL BOARD OF GLOBAL MINISTRIES, THE UNTED METHODIST CHURCH,
Washington, DC, August 26, 2003.

Representative TOM LANTOS,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE LANTOS: I am a part of the Child Labor Coalition (CLC) as a representative of my organization, the Women's Division of the General Board of Global Ministries of the United Methodist Church. As part of the CLC, we have been shown a summary of the Youth Worker Protection Act, your new and improved comprehensive child labor bill. I am impressed with how you have updated and strengthened the federal child labor laws in this.

My organization has always been concerned for the needs of women and children. In recent years, we have participated as part of the Child Labor Coalition and supported organizations like RUGMARK, anti-sweatshop efforts, and shared concerns for children in the fields, specifically migrant children. We join with the whole United Methodist Church as stated in their BOOK OF RESOLUTIONS 2000, #58 ''to work toward the reform of United States labor laws to provide better protection of farm workers' rights and to bring child labor restrictions into conformity with international standards.'' These standards include the Convention on the Rights of the Child and the International Labor Organization's Convention 138 for Minimum Age for Admission to Work.

The Youth Worker Protection Act places a priority on education by restricting the hours a youth may work. This is of special concern to United Methodist Women since taking on a Children's Campaign to advocate for free, quality public education in our country. Given that the overall well-being of a child affects his/her ability to learn in school, it is easy to recognize that before/after school and weekend jobs can be a major factor in how the child will learn.

I support this effort you are making to bring a 1938 Act with revisions over the years up-to-date and will encourage United Methodist Women to be informed about this new legislation in order to express support to their legislators.

Thank you for protecting young workers in our country,

JULIE A. TAYLOR,
Children, Youth and Family Advocacy.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 2, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 3

9:30 a.m.
Armed Services
To hold a closed briefing on the interim report on Iraq's weapons of mass destruction programs.
S–407, Capitol

OCTOBER 14

10 a.m.
Banking, Housing, and Urban Affairs
Business meeting to consider S. 811, to support certain housing proposals in the fiscal year 2003 budget for the Federal Government, including the downpayment assistance initiative under the HOME Investment Partnership Act, S. 300, 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, and the nominations of Harvey S. Rosen, of New Jersey, and Kristin J. Forbes, of Massachusetts, each to be a Member of the Council of Economic Advisers, Julie L. Myers, of Kansas, to be an Assistant Secretary of Commerce for Export Enforcement, Peter Lichtenbaum, of Virginia, to be an Assistant Secretary of Commerce for Export Administration; to be immediately followed by a hearing on the nominations of Roger Walton Ferguson, Jr., of Massachusetts, to be Vice Chairman of the Board of Governors of the Federal Reserve System, and Ben S. Bernanke, of New Jersey, to be a Member of the Board of Governors of the Federal Reserve System, and Paul S. Atkins, of Virginia, to be a Member of the Securities and Exchange Commission for a term expiring June 5, 2008.
SD–538

OCTOBER 15

10 a.m.
Indian Affairs
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.
SR–485

OCTOBER 16

10 a.m.
Indian Affairs
To hold hearings to examine the Missouri River Master Manual.
SR–485

OCTOBER 21

10 a.m.
Indian Affairs
To hold hearings to examine S. 1565, to reauthorize the Native American Programs Act of 1974.
SR–485

OCTOBER 22

10 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by a hearing on the Tribal Self Governance Act Amendments of 2003.
SR–485

OCTOBER 30

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine S. 1097, to authorize the Secretary of the Interior to implement the Calfed Bay-Delta Program.
SD–366

Daily Digest

HIGHLIGHTS

See Résumé of Congressional Activity.

House Committees ordered reported 14 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S12213–S12304

Measures Introduced: Eleven bills and one resolution were introduced, as follows: S. 1690–1700, and S. Res. 237. **Page S12277**

Measures Reported:

S. 861, to authorize the acquisition of interests in undeveloped coastal areas in order to better ensure their protection from development, with an amendment. (S. Rept. No. 108–158)

S.J. Res. 16, to approve the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia'', and the ''Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands'', and otherwise to amend Public Law 99–239, and to appropriate for the purposes of amended Public Law 99–239 for fiscal years ending on or before September 30, 2023, with amendments and with an amended preamble. (S. Rept. No. 108–159) **Page S12277**

Measures Passed:

Roberto Clemente Walker Post Office Building: Committee on Governmental Affairs was discharged from further consideration of H.R. 2826, to designate the facility of the United States Postal Service located at 1000 Avenida Sanchez Osorio in Carolina, Puerto Rico, as the ''Roberto Clemente Walker Post Office Building'', and the bill was then passed, clearing the measure for the President. **Page S12303**

Emergency Supplemental Appropriations, Iraq and Afghanistan: Senate began consideration of S. 1689, making emergency supplemental appropriations for Iraq and Afghanistan security and reconstruction for the fiscal year ending September 30, 2004, taking action on the following amendments proposed thereto: **Pages S12220–70**

Rejected:

By 38 yeas to 59 nays (Vote No. 371), Byrd Amendment No. 1794, to strike $15.2 billion of the $20.3 billion in Iraq Relief and Reconstruction Funds, leaving $5.1 billion for training and equipping the Iraqi Defense Corps and Iraqi national security force and for other public safety and justice purposes. **Pages S12242–59**

Pending:

McConnell Modified Amendment No. 1795, to commend the Armed Forces of the United States in the War on Terrorism. **Pages S12259, S12269–70**

Biden Amendment No. 1796, to provide funds for the security and stabilization of Iraq by suspending a portion of the reductions in the highest income tax rate for individual taxpayers. **Pages S12260–69**

A unanimous-consent agreement was reached providing that at 10:30 a.m., on Thursday, October 2, 2003, Senate continue consideration of the bill, and that there be 40 minutes of debate remaining on the McConnell Modified Amendment No. 1795 (listed above) and the Senate then vote on or in relation to the amendment. **Pages S12270, S12303**

Appointments

Global Climate Change Observer Group: The Chair announced, on behalf of the Majority Leader, pursuant to provisions of S. Res. 98, agreed to July 25, 1997, the appointment of Senator Craig to the Global Climate Change Observer Group. **Page S12303**

Nominations Received: Senate received the following nominations:

John Paul Woodley, Jr., of Virginia, to be an Assistant Secretary of the Army.

A. Paul Anderson, of Florida, to be a Federal Maritime Commissioner for the term expiring June 30, 2007.

Charlotte A. Lane, of West Virginia, to be a Member of the United States International Trade Commission for a term expiring December 16, 2009.

Daniel Pearson, of Minnesota, to be a Member of the United States International Trade Commission for the term expiring June 16, 2011.

Jose A. Fourquet, of New Jersey, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2004.

Adolfo A. Franco, of Virginia, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2008.

Roger Francisco Noriega, of Kansas, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 2006.

Ephraim Batambuze, of Illinois, to be a Member of the Board of Directors of the African Development Foundation for a term expiring February 9, 2008.

Mary Kramer, of Iowa, to be Ambassador to Barbados and to serve concurrently and without additional compensation as Ambassador to St. Kitts and Nevis, Saint Lucia, Antigua and Barbuda, the Commonwealth of Dominica, Grenada, and Saint Vincent and the Grenadines.

Daniel Pipes, of Pennsylvania, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2005.

David Wesley Fleming, of California, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring May 29, 2007.

Jay Phillip Greene, of Florida, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring November 17, 2005.

John Richard Petrocik, of Missouri, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring September 27, 2008.

Patrick Lloyd McCrory, of North Carolina, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2005.

Juanita Alicia Vasquez-Gardner, of Texas, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2003.

Juanita Alicia Vasquez-Gardner, of Texas, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2009. (Reappointment) **Page S12304**

Messages From the House: **Page S12274**

Measures Referred: **Page S12274**

Measures Placed on Calendar: **Page S12274**

Executive Communications: **Pages S12274–77**

Executive Reports of Committees: **Page S12277**

Additional Cosponsors: **Pages S12277–78**

Statements on Introduced Bills/Resolutions: **Pages S12278–S12300**

Additional Statements: **Pages S12273–74**

Amendments Submitted: **Pages S12300–02**

Notices of Hearings/Meetings: **Pages S12302–03**

Authority for Committees to Meet: **Page S12303**

Privilege of the Floor: **Page S12303**

Record Votes: One record vote was taken today. (Total—371) **Page S12259**

Adjournment: Senate met at 9:30 a.m., and adjourned at 6:53 p.m., until 9:30 a.m., on Thursday, October 2, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S12303.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Armed Services: Committee ordered favorably reported the nominations of Rear Adm. David C. Nichols Jr., for appointment in the United States Navy to the grade of Vice Admiral, and Lt. Gen. George W. Casey Jr., for appointment as Vice Chief of Staff, United States Army, and appointment to the grade of General.

CLIMATE CHANGE

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine certain aspects of the Administration's Global Climate Change Initiative, to reduce domestic emissions of carbon dioxide and other greenhouse gases, including the implementation of the Kyoto commitment, after receiving testimony from John B. Stephenson, Director, Natural Resources and Environment, General Accounting Office; Jos Delbeke, European Commission of the European Union, Brussels; Antonio J. Busalacchi, Jr., University of Maryland, College Park, on behalf of the National Academy of Sciences Climate Research Committee; Stephen H. Schneider, Stanford University Department of Biological Sciences, Stanford, California; Tom M.L. Wigley, National Center for Atmospheric Research, Boulder, Colorado; Paul Gorman, National Religious Partnership for the Environment, Amherst, Massachusetts; Ethan J. Podell, Orbis Energy, LLC, White Plains, New York; and Christopher T. Walker, Greenhouse Gas Risk Solutions, New York, New York, on behalf of Swiss Re Financial Services Corporation.

ARIZONA WATER SETTLEMENTS ACT

Committee on Energy and Natural Resources: on Tuesday, September 30, 2003, Subcommittee on Water and Power concluded a joint hearing with the Committee on Indian Affairs to examine S. 437, to provide for adjustments to the Central Arizona Project in Arizona, to authorize the Gila River Indian Community water rights settlement, to reauthorize and amend the Southern Arizona Water Rights Settlement Act of 1982, after receiving testimony from Bennett W. Raley, Assistant Secretary for Water and Science, and Aurene M. Martin, Acting Assistant Secretary for Indian Affairs, both of the Department of the Interior; Herbert R. Guenther, Arizona Department of Water, Phoenix; John D'Antonio, New Mexico Office of the State Engineer, Santa Fe; Vivian Juan-Saunders, Tohono O'odham Nation, Sells, Arizona; Richard P. Narcia, Gila River Indian Community, Sacaton, Arizona; Joe Shirley, Jr., Navajo

Nation, Window Rock, Arizona; and Kathleen W. Kitcheyan, San Carlos Apache Tribe, San Carlos, Arizona.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Robert B. Charles, of Maryland, to be an Assistant Secretary of State (International Narcotics and Law Enforcement Affairs), who was introduced by Senator Snowe, and H. Douglas Barclay, of New York, to be Ambassador to the Republic of El Salvador, who was introduced by Senator Schumer, after the nominees testified and answered questions on their own behalf.

FEDERAL REAL PROPERTY REFORM

Committee on Governmental Affairs: Committee concluded a hearing to examine the need for federal real property reform, focusing on actions needed to address long-standing and complex problems, useful data on real property assets, and reliance on costly leasing, after receiving testimony from Johanna L. Hardy, Senior Counsel, and James R. McKay, Counsel, both of the Senate Committee on Governmental Affairs; David M. Walker, Comptroller General of the United States, General Accounting Office; William C. Stamper, Deputy Assistant Secretary of Health and Human Services for Facilities Management and Policy; and Martha B. Knisley, District of Columbia Department of Mental Health, Washington, D.C.

NOMINATION

Committee on the Judiciary: Committee concluded a hearing on the nomination of Dora L. Irizarry, to be United States District Judge for the Eastern District of New York, who was introduced by Senator Schumer, after the nominee testified and answered questions in her own behalf. Testimony was also received from Thomas Z. Hayward, Jr., and Patricia M. Hynes, each of the American Bar Association Standing Committee on Federal Judiciary, Washington, D.C.; James F. Castro-Blanco, Shearman and Sterling, New York, New York, former Assistant United States Attorney for the Eastern District of New York; and Lewis L. Douglas, Justice, New York State Supreme Court, on behalf of the New York State Commission on Minorities, and Michael L. Pesce, Presiding Justice, New York State Supreme Court, both of Brooklyn.

House of Representatives

Chamber Action

Measures Introduced: 14 public bills, H.R. 3213–3226; and 7 resolutions, H.J. Res. 71; H. Con. Res. 290, and H. Res. 384–388, were introduced. **Pages H9129–30**

Additional Cosponsors: **Pages H9130–32**

Reports Filed: Reports were filed as follows:

H. Res. 364, a resolution of inquiry requesting the President to transmit to the House of Representatives not later than 14 days after the date of adoption of this resolution the report prepared for the Joint Chiefs of Staff entitled "Operation Iraqi Freedom Strategic Lessons Learned" and documents in his possession on the reconstruction and security of post-war Iraq, amended, (H. Rept. 108–289, Pt. 1);

H. Res. 383, waiving points of order against the conference report to accompany S. 3, to prohibit the procedure commonly known as partial-birth abortion (H. Rept. 108–290); and

Conference report on H.R. 1474, to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, (H. Rept. 108–291). **Pages H9083–90, H9129**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Shaw to act as Speaker Pro Tempore for today. **Page H9035**

Chaplain: The prayer was offered today by Imam Hassan Qazwini, Leader, The Islamic Center of America in Detroit, Michigan. **Page H9035**

Suspensions: The House agreed to suspend the rules and pass the following measures:

American Dream Downpayment Act: H.R. 1276, amended, to provide downpayment assistance under the HOME Investment Partnerships Act; **Pages H9039–45**

National Earthquake Hazards Reduction Program Reauthorization Act of 2003: H.R. 2608, amended, to reauthorize the National Earthquake Hazards Reduction Program; **Pages H9045–49**

Health Care Safety Net Amendments Technical Corrections Act of 2003: H.R. 3038, to make certain technical and conforming amendments to correct the Health Care Safety Net Amendments of 2002; **Pages H9049–51**

National Bone Marrow Donor Registry Reauthorization Act: H.R. 3034, amended, to amend the Public Health Service Act to reauthorize the National Bone Marrow Donor Registry; **Pages H9051–54**

Animal Drug User Fee Act of 2003: H.R. 1260, to amend the Federal Food, Drug, and Cosmetic Act

to establish a program of fees relating to animal drugs; and **Pages H9054–59**

Congratulating Fort Detrick: H. Con. Res. 271, amended, congratulating Fort Detrick on 60 years of service to the United States. **Pages H9059–61**

Agreed to amend the title so as to read "Concurrent resolution congratulating Fort Detrick, Maryland, on 60 years of service to the Nation." **Pages H9060–61**

Department of the Interior Appropriations—Motion to go to Conference: Agreed by unanimous consent to disagree to the Senate amendment to H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and agreed to a conference. **Pages H9061, H9071, H9073**

The House agreed to the Dicks motion to instruct conferees on the bill by a yea-and-nay vote of 259 yeas to 165 nays, with one voting "present", Roll No. 527. **Pages H9061, H9071–72**

Appointed as conferees: Representatives Taylor of North Carolina, Regula, Kolbe, Nethercutt, Wamp, Peterson of Pennsylvania, Sherwood, Crenshaw, Young of Florida, Dicks, Murtha, Moran of Virginia, Hinchey, Olver, and Obey. **Page H9061**

Recess: The House recessed at 12:32 p.m. and reconvened at 12:41 p.m. **Page H9061**

Medicare Prescription Drug Benefit—Motion to Instruct Conferees: The House rejected the Case motion to instruct conferees on H.R. 1, Medicare Prescription Drug and Modernization Act of 2003 by a yea-and-nay vote of 208 yeas to 215 nays, Roll No. 528. **Pages H9062–67, H9072**

Later Representative Flake announced his intention to offer a motion to instruct conferees on the bill. **Page H9073**

Representative Bishop of New York also announced his intention to offer a motion to instruct conferees on the bill. **Page H9074**

Tax Relief, Simplification, and Equity Act—Motion to Instruct Conferees: The House rejected the Davis of Alabama motion to instruct on H.R. 1308, Tax Relief, Simplification, and Equity Act by a yea-and-nay vote of 207 yeas to 219 nays, Roll No. 529. **Pages H9067–73**

Energy Policy Act of 2003—Motion to Instruct Conferees: Representative Inslee announced his intention to offer a motion to instruct conferees on H.R. 6, Energy Policy Act of 2003. **Pages H9073–74**

Recess: The House recessed at 2:04 p.m. and reconvened at 3:35 p.m. **Page H9071**

Senate Message: Message from the Senate appears today on page H9035.

Senate Referrals: S. 1680 was referred to the Committee on Financial Services and S. 1261 was referred to the Committee on Energy & Commerce. **Page H9117**

Adjournment: The House met at 10:00 a.m. and adjourned at 9:48 p.m.

Committee Meetings

REVIEW MANDATORY COUNTRY OF ORIGIN LABELING

Committee on Agriculture: Subcommittee on Livestock and Horticulture held a hearing to review mandatory country of origin labeling. Testimony was heard from public witnesses.

IMPROVING THE COMMUNITY SERVICES BLOCK GRANT ACT

Committee on Education and the Workforce: Ordered reported, as amended, H.R. 3030, Improving the Community Services Block Grant Act of 2003.

MISCELLANEOUS MEASURES; ISSUANCE OF SUBPOENAS

Committee on Energy and Commerce: Ordered reported the following bills: H.R. 2898, amended, E–911 Implementation Act of 2003; H.R. 3140, amended, Fairness to Contact Lens Consumers Act; and H.R. 3143, International Consumer Protection Act of 2003.

The Committee also approved a resolution authorizing the issuance of subpoenas with respect to matters involved in, related to, or arising from the Committee's investigation of the HealthSouth Corporation.

REMITTANCES: REDUCING COSTS, INCREASING COMPETITION, AND BROADENING ACCESS TO MARKETS

Committee on Financial Services: Held a hearing entitled "Remittances: Reducing Costs, Increasing Competition, and Broadening Access to the Market." Testimony was heard from Wayne Abernathy, Assistant Secretary, Financial Institutions, Department of the Treasury; and public witnesses.

CHINA'S EXCHANGE RATE REGIME—EFFECTS ON U.S. ECONOMY

Committee on Financial Services: Subcommittee on Domestic and International Monetary Policy, Trade, and Technology held a hearing entitled "China's Exchange Rate Regime and its Effects on the U.S. Economy," Testimony was heard from Representatives Green of Wisconsin and English; John Taylor, Under Secretary, Department of the Treasury; Grant Aldonis, Under Secretary, Department of Commerce; and public witnesses.

OVERSIGHT—HUMAN CAPITAL SUCCESSION PLANNING

Committee on Government Reform: Subcommittee on Civil Service and Agency Organization held an oversight hearing entitled "Human Capital Succession Planning: How the Federal Government Can Get a Workforce to Achieve Results." Testimony was

heard from J. Christopher Mihm, Director, Strategic Issues, GAO; Dan. G. Blair, Deputy Director, OPM; David J. O'Connor, Deputy Assistant Administrator, Administration and Resources Management, EPA; Vicki A. Novak, Assistant Administrator, Human Resources and Chief Human Capital Officer, NASA; William H. Campbell, Acting Assistant Secretary, Human Resources and Administration, Department of Veterans Affairs; and public witnesses.

STRENGTHENING THE LONG ARM OF THE LAW

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing entitled "Strengthening the Long Arm of the Law: How Are Fugitives Avoiding Extradition, and How Can We Bring Them to Justice?" Testimony was heard from Bruce Swartz, Deputy Assistant Attorney General, Criminal Division, Department of Justice; Samuel Witten, Deputy Legal Advisor, Legal Bureau, Department of State; and public witnesses.

MEDICAL LIABILITY INSURANCE HIGH COST—ARE PATIENTS NEEDLESSLY SUFFERING?

Committee on Government Reform: Subcommittee on Human Rights and Wellness held a hearing entitled "Dying for Help: Are Patients Needlessly Suffering Due to the High Cost of Medical Liability Insurance?" Testimony was heard from the following officials of GAO: Kathryn G. Allen, Director, Health Care—Medicaid and Private Health Insurance Issues; and Richard J. Hillman, Director, Financial Markets and Community Investment; Dick Thornburgh, former Attorney General; and public witnesses.

OVERSIGHT—SECURITY OF INDUSTRIAL CONTROL SYSTEMS

Committee on Government Reform: Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census met in executive session to hold an oversight hearing entitled "Security of Industrial Control Systems in Our Nation's Critical Infrastructure." Testimony was heard from Robert Dacey, Director, IT Security, GAO; Denise Swink, Acting Director, Energy Assurance Office, Department of Energy; and public witnesses.

TURKEY'S FUTURE DIRECTION AND U.S.-TURKEY RELATIONS

Committee on International Relations: Subcommittee on Europe held a hearing on Turkey's Future Direction and U.S.-Turkey Relations. Testimony was heard from public witnesses.

HUMAN RIGHTS IN BURMA

Committee on International Relations: Subcommittee on International Terrorism, Nonproliferation and Human Rights, and the Subcommittee on Asia and the Pacific held a joint hearing on Human Rights in Burma: Fifteen Years Post Military Coup—Part I. Testimony was heard from public witnesses.

Hearings continue tomorrow.

OVERSIGHT—STREAMLINED SALES AND USE TAX AGREEMENT

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held an oversight hearing on "The Streamlined Sales and Use Tax Agreement: States' Efforts to Facilitate Sales Tax Collection from Remote Vendors." Testimony was heard from Bill Owens, Governor, State of Colorado; and public witnesses.

CLEAR LAW ENFORCEMENT FOR CRIMINAL ALIEN REMOVAL ACT

Committee on the Judiciary: Subcommittee on Immigration, Border Security, and Claims held a hearing on H.R. 2671, Clear Law Enforcement for Criminal Alien Removal Act of 2003. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported the following bills: H.R. 313, Coal Accountability and Retired Employee Act for the 21st Century; H.R. 542, to repeal the reservation of mineral rights made by the United States when certain lands in Livingston Parish, Louisiana, were conveyed by Public Law 102–562; H.R. 1899, Cape Fox Land Entitlement Adjustment Act of 2003; and H.R. 2766, amended, Arapaho and Roosevelt National Forests Land Exchange Act of 2003.

The Committee also held a hearing on the following bills: H.R. 151, to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assist Secretary for Indian Health; and H.R. 2440, Indian Health Care Improvement Act Amendments of 2003. Testimony was heard from Representative Nethercutt; Michel Lincoln, Deputy Director, Indian Health Service, Department of Health and Human Services; and public witnesses.

CONFERENCE REPORT—PARTIAL BIRTH ABORTION BAN ACT

Committee on Rules: Granted, by voice vote, a rule waiving all points of order against the conference report to accompany S. 3, Partial Birth Abortion Ban Act of 2003, and against its consideration. The rule provides that the conference report shall be considered as read.

FEDERAL PRISON INDUSTRY'S EFFECTS ON U.S. ECONOMY AND SMALL BUSINESS

Committee on Small Business: Subcommittee on Workforce, Empowerment, and Government Programs and the Subcommittee on Tax, Finance, and Exports held a joint hearing on Federal Prison Industry's Effects on the U.S. Economy and the Small Business Environment. Testimony was heard from Representative Hoekstra; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Ordered reported the following bills: H.R. 587, amended, to amend title 40, United States Code, to add Ashtabula, Mahoning, and Trumbull Counties, Ohio, to the Appalachian region; H.R. 1274, to direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county; H.R. 1702, to designate the Federal building which is to be constructed at 799 First Avenue in New York, New York, as the "Ronald H. Brown United States Mission to the United Nations Building;" H.R. 3118, to designate the Orville Wright Federal Building and the Wilbur Wright Federal Building in Washington, District of Columbia; H.R. 3181, Predisaster Mitigation Program Reauthorization Act of 2003; and H.R. 3198, John F. Kennedy Center Reauthorization Act of 2003.

The Committee also approved the following: a Building Project Survey Resolution; and U.S. Army Corps Survey Resolutions.

OVERSIGHT—CLEANING UP THE WASTE AT EPA

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held an oversight hearing on Cleaning Up the Waste at EPA: Phase II. Testimony was heard from the following officials of the EPA: Melissa M. Heist, Assistant Inspector General, Audit; Morris X. Winn, Assistant Administrator, Office of Administration and Resources Management; and Don S. Welsh, Regional Administrator, Region 3: Mid-Atlantic Region; and John B. Stephenson, Director, Environmental Issues, GAO.

AFGHANISTAN/PAKISTAN ISSUES

Permanent Select Committee on Intelligence: Subcommittee on Terrorism and Homeland Security met in executive session to hold a hearing on Afghanistan/Pakistan Issues. Testimony was heard from departmental witnesses.

IDENTIFICATION DOCUMENTS FRAUD—IMPLICATIONS FOR HOMELAND SECURITY

Select Committee on Homeland Security: Held a hearing entitled "Identification Documents Fraud and the Implications for Homeland Security." Testimony was heard from C. Stewart Verdery, Jr., Assistant Secretary, Border and Transportation Security Policy Directorate, Department of Homeland Security; the following officials of the Department of Justice: John Pistole, Assistant Director, Counterterrorism, FBI; Paul J. McNulty. U.S. Attorney, Eastern District of Virginia; and Roscoe C. Howard, Jr., U.S. Attorney, District of Columbia; Ronald D. Malfi, Director, Office of Special Investigations, GAO; Joseph R. Carico, Chief Deputy Attorney General, State of Virginia; and a public witness.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1068)*

H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004. Signed on September 30, 2003. (Public Law 108–87).

H.R. 3087, to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century. Signed on September 30, 2003. (Public Law 108–88).

H.R. 3146, to extend the Temporary Assistance for Needy Families block grant program, and certain tax and trade programs. Signed on October 1, 2003. (Public Law 108–89).

COMMITTEE MEETINGS FOR THURSDAY, OCTOBER 2, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: to resume hearings to examine the implementation of the Sarbanes-Oxley Act (Public Law 107–204) and restoring investor confidence, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine media ownership, 9:30 a.m., SR–253.

Full Committee, to hold hearings to examine Amtrak, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: Subcommittee on National Parks, to hold hearings to examine S. 524, to expand the boundaries of the Fort Donelson National Battlefield to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862, S. 1313, to establish the Congaree Swamp National Park in the State of South Carolina, S. 1472, to authorize the Secretary of the Interior to provide a grant for the construction of a statue of Harry S Truman at Union Station in Kansas City, Missouri, and S. 1576, to revise the boundary of Harpers Ferry National Historical Park, 10 a.m., SD–366.

Committee on Foreign Relations: business meeting to consider S. Con. Res. 66, commending the National Endowment for Democracy for its contributions to democratic development around the world on the occasion of the 20th anniversary of the establishment of the National Endowment for Democracy, S. Res. 230, calling on the People's Republic of China immediately and unconditionally to release Rebiya Kadeer, S. Res. 231, commending the Government and people of Kenya, and the nominations of Richard Eugene Hoagland, of the District of Columbia, to be Ambassador to the Republic of Tajikistan, Pamela P. Willeford, of Texas, to be Ambassador to Switzerland, and to serve concurrently and without additional compensation as Ambassador to the Principality of Liechtenstein, James Casey Kenny, of Illinois, to be Ambassador to Ireland, Randall L. Tobias, of Indiana, to be Coordinator of United States Government Activities to Combat HIV/AIDS Globally, with the rank of Ambassador, W. Robert Pearson, of Tennessee, to be Director

General of the Foreign Service, William Cabaniss, of Alabama, to be Ambassador to the Czech Republic, David L. Lyon, of California, to serve concurrently and without additional compensation as Ambassador to the Republic of Kiribati, Roderick R. Paige, of Texas, to be a Representative of the United States of America to the Thirty-second Session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization, and a Foreign Service Service Officer promotion list received in the Senate on February 25, 2003, Time to be announced, S–116, Capitol.

Full Committee, to hold hearings to examine challenges for U.S. policy to Cuba, 2:30 p.m., SD–419.

Committee on Governmental Affairs: business meeting to consider the nomination of C. Suzanne Mencer, of Colorado, to be the Director of the Office for Domestic Preparedness, Department of Homeland Security, Time to be announced, Room to be announced.

Committee on Health, Education, Labor, and Pensions: to hold joint hearings with the House Committee on Energy and Commerce to examine National Institutes of Health management of biomedical research to prevent and cure disease in the 21st Century, 10 a.m., SD–106.

Committee on Indian Affairs: to hold hearings to examine S. 1438, to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the Tribe concerning the contribution of the Tribe to the production of hydropower by the Grand Coulee Dam, 2 p.m., SR–485.

Committee on the Judiciary: business meeting to consider pending calendar business, 9:30 a.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Agriculture, Subcommittee on General Farm Commodities and Risk Management, hearing to review crop insurance for specialty crop producers, 9:30 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Military Construction, on the Administration's Fiscal Year Supplemental Request for Iraq and Afghanistan, 3 p.m., B–300 Rayburn.

Committee on Armed Services, hearing on the U.S. Joint Forces Command on operational lessons from Operation Iraqi Freedom, 9 a.m., 2118 Rayburn.

Committee on Education and the Workforce, Subcommittee on Employer-Employee Relations, to mark up the following bills: H.R. 992, Union Members Right-to-Know Act; H.R. 993, Labor Management Accountability Act; and H.R. 994, Union Member Information Act, 10:30 a.m., 2175 Rayburn.

Committee on Government, to consider the following: H. Con. Res. 264, authorizing and requesting the President to issue a proclamation to commemorate the 200th anniversary of the birth of Constantino Brumidi; and H.J. Res. 70, recognizing Inspectors General over the last 25 years in their efforts to prevent and detect waste, fraud, abuse, and mismanagement, and to promote economy, efficiency, and effectiveness in the Federal Government; followed by a hearing on ''Entrepreneurial Government Run Amok? A Review of FTS/FSS Organizational and Management Challenges,'' 11 a.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on Africa, hearing on U.S. Policy Toward Liberia, 2 p.m., 2172 Rayburn.

Subcommittee on International Terrorism, Nonproliferation and Human Rights, and the Subcommittee on Asia and the Pacific, to continue joint hearings on Human Rights in Burma: Fifteen Years Post Military Coup, Part II, 8:30 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Courts, the Internet, and Intellectual Property, to mark up the following bills: H.R. 2517, Piracy Deterrence and Education Act of 2003; and H.R. 2824, Internet Tobacco Sales Enforcement Act, 10 a.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Water and Power, hearing on the following bills: H.R. 885, Arizona Water Settlements Act; and H.R. 1753, Spokane Tribe of Indians of the Spokane Reservation Grand Coulee Dam Equitable Compensation Settlement Act, 10 a.m., 1324 Longworth.

Committee on Veterans' Affairs, Subcommittee on Oversight and Investigations, hearing on the impact of the nursing shortage on the Department of Veterans Affairs, 10 a.m., 334 Cannon.

Permanent Select Committee on Intelligence, executive, hearing on Iraq Weapons of Mass Destruction Update, 9 a.m., H–405 Capitol.

Joint Meetings

Joint Meetings: Senate Committee on Health, Education, Labor, and Pensions, to hold joint hearings with the House Committee on Energy and Commerce to examine National Institutes of Health management of biomedical research to prevent and cure disease in the 21st Century, 10 a.m., SD–106.

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 September 30, 2003

	Senate	*House*	*Total*
Days in session	130	103	..
Time in session	1,073 hrs., 51′	780 hrs.	..
Congressional Record:			
Pages of proceedings	12,211	9,033	..
Extensions of Remarks	..	1,934	..
Public bills enacted into law	24	64	88
Private bills enacted into law	..	..	..
Bills in conference	14	11	..
Measures passed, total	398	456	854
Senate bills	114	28	..
House bills	74	191	..
Senate joint resolutions	3	1	..
House joint resolutions	7	10	..
Senate concurrent resolutions	30	5	..
House concurrent resolutions	24	53	..
Simple resolutions	146	168	..
Measures reported, total	*248	*272	520
Senate bills	168	5	..
House bills	26	167	..
Senate joint resolutions	3	1	..
House joint resolutions	..	3	..
Senate concurrent resolutions	7	..	..
House concurrent resolutions	1	7	..
Simple resolutions	43	89	..
Special reports	15	5	..
Conference reports	2	11	..
Measures pending on calendar	120	71	..
Measures introduced, total	2,012	3,953	5,965
Bills	1,688	3,212	..
Joint resolutions	18	70	..
Concurrent resolutions	70	289	..
Simple resolutions	236	382	..
Quorum calls	3	2	..
Yea-and-nay votes	370	298	..
Recorded votes	..	226	..
Bills vetoed	..	..	..
Vetoes overridden	..	..	..

DISPOSITION OF EXECUTIVE NOMINATIONS

January 7 through September 30, 2003

Civilian nominations, totaling 467, disposed of as follows:	
Confirmed	277
Unconfirmed	181
Withdrawn	9
Other Civilian nominations, totaling 1,789, disposed of as follows:	
Confirmed	1,689
Unconfirmed	100
Air Force nominations, totaling 7,709, disposed of as follows:	
Confirmed	5,383
Unconfirmed	2,326
Army nominations, totaling 5,226, disposed of as follows:	
Confirmed	5,147
Unconfirmed	79
Navy nominations, totaling 4,348, disposed of as follows:	
Confirmed	4,319
Unconfirmed	29
Marine Corps nominations, totaling 2,411, disposed of as follows:	
Confirmed	2,398
Unconfirmed	13

Summary

Total nominations carried over from the First Session	0
Total nominations received this Session	21,950
Total confirmed	19,213
Total unconfirmed	2,728
Total withdrawn	9
Total returned to the White House	0

Next Meeting of the **SENATE**

9:30 a.m., Thursday, October 2

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will continue consideration of S. 1689, Emergency Supplemental Appropriations Act.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Thursday, October 2

House Chamber

Program for Thursday: Consideration of the conference report on S. 3, Partial Birth Abortion Ban Act of 2003 (rules waives all points of order against the bill);

Consideration of H. Res 377, providing for recommittal of the conference report to accompany H.R. 2115, Flight 100—Century of Aviation Reauthorization Act;

Consideration of the motion to go to conference on H.R. 2660, Departments of Labor, Health and Human Services, and Education Appropriations Act;

Consideration of the Inslee motion to instruct conferees on H.R. 6, Energy Policy Act of 2003;

Consideration of the Bishop of New York motion to instruct conferees on H.R. 1, Medicare Prescription Drug and Modernization Act of 2003; and

Consideration of the Flake motion to instruct conferees on H.R. 1, Medicare Prescription Drug and Modernization Act of 2003.

Extensions of Remarks, as inserted in this issue

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