



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 108<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 149

WASHINGTON, MONDAY, DECEMBER 15, 2003

No. 177

## House of Representatives

### RESIGNATION FROM THE HOUSE OF REPRESENTATIVES AFTER SINE DIE

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,

December 8, 2003.

Hon. J. DENNIS HASTERT,  
*Speaker, House of Representatives,  
The Capitol, Washington, DC.*

DEAR MR. SPEAKER: It has been a privilege to work with you. I am grateful for the support, guidance and opportunities you have provided during my years in the House—especially by allowing me to play a leadership role in so many important healthcare initiatives. As I begin a new path in Kentucky, I will appreciate even more the trials of leadership and the courage of conviction you have exemplified. Thank you for your friendship, and know that I have come to admire the gracious and professional manner in which you lead the House.

During the past 5 years, I have had the great honor to serve as the Representative for the people of the Sixth Congressional District of Kentucky. My service in the U.S. Congress has been a rewarding professional experience. I thank every one of my constituents who put their trust and faith in my leadership.

Having recently been selected by the people of Kentucky to serve as the next Governor of that great Commonwealth, I will resign my seat representing the Sixth Congressional District of Kentucky effective, upon taking the gubernatorial oath of office at midnight on Tuesday, December 9, 2003.

I look forward to working with the distinguished Members of the House in my new position, and have appreciated their friendship,

support, and collegiality during my years in Congress.

Sincerely,

ERNE FLETCHER,  
*Member of Congress.*

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
December 8, 2003.

Hon. PAUL PATTON,  
*Governor, Commonwealth of Kentucky,  
Frankfort, KY.*

DEAR GOVERNOR PATTON: For the past five years, it has been my honor and privilege to serve the people of Central Kentucky in the U.S. House of Representatives. This past November, I was offered another opportunity to serve the Commonwealth of Kentucky as the next Governor.

I hereby wish to tender my resignation as Kentucky's Sixth Congressional District Representative effective upon taking the gubernatorial oath of office on Tuesday, December 9, 2003.

Sincerely,

ERNE FLETCHER,  
*Member of Congress.*

### COMMUNICATION FROM THE CLERK OF THE HOUSE AFTER SINE DIE ADJOURNMENT

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 10, 2003.

Hon. J. DENNIS HASTERT,  
*The Speaker, House of Representatives,  
Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 10, 2003 at 11:43 a.m.

That the Senate agreed to House amendment S. 686.

That the Senate passed S. Res. 281.  
That the Senate passed without amendment H.R. 2620.

That the Senate passed without amendment H.J. Res. 82.

That the Senate passed without amendment H. Con. Res. 345.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,  
*Clerk of the House.*

### COMMUNICATION FROM THE SPEAKER AFTER SINE DIE ADJOURNMENT

OFFICE OF THE SPEAKER,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 11, 2003.

Hon. JEFF TRANDAHL,  
*Clerk of the House of Representatives,  
U.S. Capitol, Washington, DC.*

DEAR MR. CLERK: For purposes of House Joint Resolution 80 for the 108th Congress, I hereby designate Representative Tom DeLay of Texas to act jointly with the Majority Leader of the Senate or his designee, in the event of my death or inability, to notify the Members of the House and Senate, respectively, of any reassembly under section 2 of such joint resolution. In the event of the death or inability of my designee, the alternate Members of the House listed in the letter bearing this date that I have placed with you are designated, in turn, for the same purpose.

Sincerely,

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

### NOTICE

Effective January 1, 2004, the subscription price of the Congressional Record will be \$503 per year or \$252 for six months. Individual issues may be purchased at the following costs: Less than 200 pages, \$10.50; Between 200 and 400 pages, \$21.00; Greater than 400 pages, \$31.50. Subscriptions in microfiche format will be \$146 per year with single copies priced at \$3.00. This price increase is necessary based upon the cost of printing and distribution.

BRUCE R. JAMES, *Public Printer.*

This symbol represents the time of day during the House proceedings, e.g.,  1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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H12925

CORRECTION TO THE CONGRESSIONAL RECORD OF MONDAY, DECEMBER 8, 2003, AT PAGE H12864

The following bill was printed incorrectly:

S. 1683

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Federal Law Enforcement Pay and Benefits Parity Act of 2003".

**SEC. 2. LAW ENFORCEMENT PAY AND BENEFITS PARITY REPORT.**

(a) DEFINITION.—In this section, the term "law enforcement officer" means an individual—

(1) (A) who is a law enforcement officer defined under section 8331 or 8401 of title 5, United States Code; or

(B) the duties of whose position include the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States; and

(2) who is employed by the Federal Government.

(b) REPORT.—Not later than April 30, 2004, the Office of Personnel Management shall submit a report to the President of the Senate and the Speaker of the House of Representatives and the appropriate committees and subcommittees of Congress that includes—

(1) a comparison of classifications, pay, and benefits among law enforcement officers across the Federal Government; and

(2) recommendations for ensuring, to the maximum extent practicable, the elimination of disparities in classifications, pay and benefits for law enforcement officers throughout the Federal Government.

**SEC. 3. EMPLOYEE EXCHANGE PROGRAM BETWEEN FEDERAL EMPLOYEES AND EMPLOYEES OF STATE AND LOCAL GOVERNMENTS.**

(a) DEFINITIONS.—In this section—

(1) the term "employing agency" means the Federal, State, or local government agency with which the participating employee was employed before an assignment under the Program;

(2) the term "participating employee" means an employee who is participating in the Program; and

(3) the term "Program" means the employee exchange program established under subsection (b).

(b) ESTABLISHMENT.—The President shall establish an employee exchange program between Federal agencies that perform law enforcement functions and agencies of State and local governments that perform law enforcement functions.

(c) CONDUCT OF PROGRAM.—The Program shall be conducted in accordance with subchapter VI of chapter 33 of title 5, United States Code.

(d) QUALIFICATIONS.—An employee of an employing agency who performs law enforcement functions may be selected to participate in the Program if the employee—

(1) has been employed by that employing agency for a period of more than 3 years;

(2) has had appropriate training or experience to perform the work required by the assignment;

(3) has had an overall rating of satisfactory or higher on performance appraisals from the employing agency during the 3-year period before being assigned to another agency under this section; and

(4) agrees to return to the employing agency after completing the assignment for a pe-

riod not less than the length of the assignment.

(e) WRITTEN AGREEMENT.—An employee shall enter into a written agreement regarding the terms and conditions of the assignment before beginning the assignment with another agency.

**HOUSE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT**

The President notified the Clerk of the House that on the following dates, he had approved and signed bills and joint resolutions of the following titles:

October 31, 2003:

H.J. Res. 75. A joint resolution making further continuing appropriations for the fiscal year 2004, and for other purposes.

November 6, 2003:

H.R. 3289. An act making supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes.

November 7, 2003:

H.J. Res. 76. A joint resolution making further continuing appropriations for the fiscal year 2004, and for other purposes.

November 10, 2003:

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

November 11, 2003:

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

H.R. 1610. An act to redesignate the facilities of the United States Postal Service located at 120 East Richie Avenue in Marceline, Missouri, as the "Walt Disney Post Office Building".

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. 1883. An act to designate the facility of the United States Postal Service located at 1601-1 Main Street in Jacksonville, Florida, as the "Eddie Mae Steward 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 Rogers Post Office Building".

H.R. 2254. An act to designate the facility of the United States Postal Service located at 1101 Colorado Street in Boulder City, Nevada, as the "Bruce Woodbury Post Office Building".

H.R. 2309. An act to designate the facility of the United States Postal Service located at 2300 Redondo Avenue in Long Beach, California, as the "Stephen Horn Post Office Building".

H.R. 2328. An act to designate the facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the "Robert A. Borski Post Office Building".

H.R. 2396. An act to designate the facility of the United States Postal Service located at 1210 Highland Avenue in Duarte, California, as the "Francisco A. Martinez Flores Post Office".

H.R. 2452. An act to designate the facility of the United States Postal Service located at 339 Hickville Road in Bethpage, New York, as the "Brian C. Hickey Post Office Building".

H.R. 2533. An act to designate the facility of the United States Postal Service located

at 10701 Abercorn Street in Savannah, Georgia, as the "J.C. Lewis, Jr. Post Office Building".

H.R. 2476. An act to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the "Barbara B. Kennelly Post Office Building".

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".

H.R. 3365. An act to amend title 10, United States Code, and the Internal Revenue Code of 1986 to increase the death gratuity payable with respect to deceased members of the Armed Forces and to exclude such gratuity from gross income, to provide additional tax relief for members of the Armed Forces and their families, and for other purposes.

November 12, 2003:

H.J. Res. 52. A joint resolution recognizing the Dr. Samuel D. Harris National Museum of Dentistry, an affiliate of the Smithsonian Institution in Baltimore, Maryland, as the official national museum of dentistry in the United States.

November 17, 2003:

H.R. 1442. An act to authorize the design and construction of a visitor center for the Vietnam Veterans Memorial.

H.R. 3288. An act to amend title XXI of the Social Security Act to make technical corrections with respect to the definition of qualifying State.

November 22, 2003:

H.R. 274. An act to authorize the Secretary of the Interior to acquire the property in Cecil County, Maryland, known as Garrett Island for inclusion in the Blackwater National Wildlife Refuge.

H.R. 2559. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

H.R. 3054. An act to amend the Policemen and Firemen's Retirement and Disability Act to permit military service previously performed by members and former members of the Metropolitan Police Department of the District of Columbia, the Fire Department of the District of Columbia, the United States Park Police, and the United States Secret Service to count as creditable service for purposes of calculating retirement annuities payable to such members upon payment of a contribution by such members, and for other purposes.

H.R. 3232. An act to reauthorize certain school lunch and child nutrition programs through March 31, 2004.

November 24, 2003:

H.R. 1588. An act to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

H.J. Res. 79. A joint resolution making further continuing appropriations for the fiscal year 2004, and for other purposes.

December 1, 2003:

H.R. 2754. An act making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.

December 2, 2003:

H.R. 3182. An act to reauthorize the adoption incentive payments program under part E of title IV of the Social Security Act, and for other purposes.

December 3, 2003:

H.R. 23. An act to amend the Housing and Community Development Act of 1974 to authorize communities to use community development block grant funds for construction of tornado-safe shelters in manufactured home parks.

H.R. 1683. An act to increase, effective as of December 1, 2003, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

H.R. 1904. An act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management Lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes.

H.R. 2744. An act to designate the facility of the United States Postal Service located at 514 17th Street in Moline, Illinois, as the "David Bybee Post Office Building".

H.R. 3175. An act to designate the facility of the United States Postal Service located at 2650 Cleveland Avenue, NW in Canton, Ohio, as the "Richard D. Watkins Post Office Building".

H.R. 3379. An act to designate the facility of the United States Postal Service located at 3210 East 10th Street in Bloomington, Indiana, as the "Francis X. McCloskey Post Office Building".

December 4, 2003:

H.R. 2622. An act to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and for other purposes.

December 6, 2003:

H.R. 421. An act to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes.

H.R. 1367. An act to authorize the Secretary of Agriculture to conduct a loan repayment program regarding the provision of veterinary services in shortage situations, and for other purposes.

H.R. 1821. An act to award a congressional gold medal to Dr. Dorothy Height in recognition of her many contributions to the Nation.

H.R. 3038. An act to make certain technical and conforming amendments to correct the Health Care Safety Net Amendments of 2002.

H.R. 3140. An act to provide for availability of contact lens prescriptions to patients, and for other purposes.

H.R. 3166. An act to designate the facility of the United States Postal Service located at 57 Old Tappan Road in Tappan, New York, as the "John G. Dow Post Office Building".

H.R. 3185. An act 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".

H.R. 3349. An act to authorize salary adjustments for Justices and judges of the United States for fiscal year 2004.

December 8, 2003:

H.R. 1. An act to amend title XVIII of the Social Security Act to provide for a voluntary program for prescription drug coverage under the Medicare Program, to modernize the Medicare Program, to amend the Internal Revenue Code of 1986 to allow a deduction to individuals for amounts contributed to health savings security accounts and

health savings accounts, to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements, and for other purposes.

December 9, 2003:

H.R. 3348. An act to reauthorize the ban on undetectable firearms.

#### SENATE BILLS AND A JOINT RESOLUTION APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates, he had approved and signed bills and joint resolutions of the Senate of the following titles:

November 5, 2003:

S. 3. An act to prohibit the procedure commonly known as partial-birth abortion.

November 11, 2003:

S. 470. An act to extend the authority for the construction of a memorial to Martin Luther King, Jr.

S. 926. An act to amend section 5379 of title 5, United States Code, to increase the annual and aggregate limits on student loan repayments by Federal agencies.

November 17, 2003:

S. 677. An act to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes.

S. 924. An act to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes.

November 18, 2003:

S. 313. An act to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs.

December 1, 2003:

S. 1066. An act to correct a technical error from Unit T-07 of the John H. Chafee Coastal Barrier Resources System.

S. 1590. An act to redesignate the facility of the United States Postal Service, located at 315 Empire Boulevard in Crown Heights, Brooklyn, New York, as the "James E. Davis Post Office Building".

S.J. Res. 18. A Joint Resolution commending the Inspectors General for their efforts to prevent and detect waste, fraud, abuse, and mismanagement, and to promote economy, efficiency, and effectiveness in the Federal Government during the past 25 years.

S.J. Res. 22. A Joint Resolution recognizing the Agricultural Research Service of the Department of Agriculture for 50 years of outstanding service to the Nation through agricultural research.

December 3, 2003:

S. 117. An act to authorize the Secretary of Agriculture to sell or exchange certain land in the State of Florida, and for other purposes.

S. 189. An act to authorize appropriations for nanoscience, nanoengineering, and nanotechnology research, and for other purposes.

S. 286. An act to revise and extend the Birth Defects Prevention Act of 1998.

S. 650. An act to amend the Federal Food, Drug, and Cosmetic Act to authorize the Food and Drug Administration to require certain research into drugs used in pediatric patients.

S. 1685. An act to extend and expand the basic pilot program for employment eligibility verification, and for other purposes.

S. 1720. An act to provide for Federal court proceedings in Plano, Texas.

S. 1824. An Act to amend the Foreign Assistance Act of 1961 to reauthorize the Over-

seas Private Investment Corporation, and for other purposes.

December 6, 2003:

S. 579. An act to reauthorize the National Transportation Safety Board, and for other purposes.

S. 1152. An act to reauthorize the United States Fire Administration, and for other purposes.

S. 1156. An act to amend title 38, United States Code, to improve and enhance provision of health care for veterans, to authorize major construction projects and other facilities matters for the Department of Veterans Affairs, to enhance and improve authorities relating to the administration of personnel of the Department of Veterans Affairs, and for other purposes.

S. 1768. An act to extend the national flood insurance program.

S. 1895. An act to temporarily extend the programs under the Small Business Act and the Small Business Investment Act of 1958 through March 15, 2004, and for other purposes.

#### ENROLLED BILLS SIGNED AFTER SINE DIE ADJOURNMENT

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker on December 11, 2003:

H.R. 100. An act to restate, clarify, and revise the Soldiers' and Sailors' Civil Relief Act of 1940.

H.R. 622. An act to provide for the exchange of certain lands in the Coconino and Tonto National Forests in Arizona, and for other purposes.

H.R. 1006. An act to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species.

H.R. 1012. An act to establish the Carter G. Woodson Home National Historic Site in the District of Columbia, and for other purposes.

H.R. 2620. An act to authorize appropriations for fiscal years 2004 and 2005 for the Trafficking Victims Protection Act of 2000, and for other purposes.

H.J. Res. 82. Joint resolution making further continuing appropriations for the fiscal year 2004, and for other purposes.

#### SENATE ENROLLED BILLS SIGNED AFTER SINE DIE ADJOURNMENT

The Speaker announced his signature to enrolled bills of the Senate of the following titles on December 11, 2003:

S. 686. An act to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 811. An act 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, and for other purposes.

S. 877. An act to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet.

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

S. 1683. An act 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 enforcement employees.

S. 1929. An act to amend the Employee Retirement Income Security Act of 1974 and the

Public Health Service Act to extend the mental health benefits parity provisions.

S. 1947. An act to prohibit the offer of credit by a financial institution to a financial institution examiner, and for other purposes.

**BILL PRESENTED TO THE PRESIDENT AFTER SINE DIE ADJOURNMENT**

Jeff Trandahl, Clerk of the House reports that on December 7, 2003 he presented to the President of the United States, for his approval, the following bill.

H.R. 1. An act to amend title XVIII of the Social Security Act to provide for a voluntary prescription drug benefit under the medicare program and to strengthen and improve the medicare program, and for other purposes.

Jeff Trandahl, Clerk of the House reports that on December 12, 2003 he presented to the President of the United States, for his approval, the following bills.

H.J. Res. 82. Making further continuing appropriations for the fiscal year 2004, and for other purposes.

H.R. 100. To restate, clarify, and revise the Soldiers' and Sailors' Civil Relief Act of 1940.

H.R. 622. To provide for the exchange of certain lands in the Coconino and Tonto National Forests in Arizona, and for other purposes.

H.R. 1006. To amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species.

H.R. 1012. To establish the Carter G. Woodson Home National Historic Site in the District of Columbia, and for other purposes.

H.R. 2620. To authorize appropriations for fiscal years 2004 and 2005 for the Trafficking Victims Protection Act of 2000, and for other purposes.

**DISCHARGE OF COMMITTEE**

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

*[Omitted from the Record of December 8, 2003]*

H.R. 2734. The Committee on Transportation and Infrastructure discharged. Referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

**REPORTED BILL SEQUENTIALLY REFERRED**

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

*[Omitted from the Record of December 8, 2003]*

Mr. BOEHLERT: Committee on Science. H.R. 2734. A bill to authorize appropriations for the civil aviation research and development projects and activities of the Federal Aviation Administration, and for other purposes, with an amendment; Rept. 108-405, Part I; referred to the Committee on Transportation and Infrastructure for a period ending not later than December 8, 2003, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(q), rule X.

Mr. NEY: Committee on House Administration. H.R. 2844. A bill to require States to hold special elections to fill vacancies in the House of Representatives not later than 21 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes, with an amendment; Rept. 108-404, Part I; referred to the Committee on the Judiciary for a period ending not later than January 31, 2004, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X.



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 108<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 149

WASHINGTON, MONDAY, DECEMBER 15, 2003

No. 177

## Senate

### ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on December 11, 2003, she had presented to the President of the United States the following enrolled bills:

S. 686. An act to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 811. An act 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, and for other purposes.

S. 877. An act to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet.

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

S. 1683. An act 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. 1929. An act to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to extend the mental health benefits parity provisions for an additional year.

S. 1947. An act to prohibit the offer of credit by a financial institution to a financial institution examiner, and for other purposes.

### CLASS ACTION REFORM

Mr. DODD. Mr. President, in October of this year, the majority leader sought

to proceed to the Class Action Fairness Act, S. 1751.

I joined 40 of my colleagues in opposing the motion to proceed. I said at the time that while I supported some reform of class action procedures, I could not support S. 1751 in its current form. I also expressed concern about whether there would be any meaningful opportunity for interested Senators to negotiate changes to the bill in a bipartisan fashion.

Subsequent to the vote in October, I joined with three of my colleagues in sending a letter to the majority leader on November 14, 2003. In that letter, we reiterated our interest in class action reform and we outlined several areas where we believed revisions to S. 1751 were in order.

In November, Senators LANDRIEU, SCHUMER, and I entered into discussions with Senators FRIST, HATCH, GRASSLEY, KOHL, and CARPER. Those discussions have resulted in a compromise agreed to by our eight offices that I believe significantly improves upon S. 1751. I ask that the text of that compromise to be printed in the RECORD immediately following my statement. I also ask that a summary of the compromise produced by my office be printed following my statement.

Lastly, Mr. President, I want to point out that in my view this is a delicate compromise, which addresses the shortcomings of current class action practice while at the same time pro-

tecting the right of citizens to join with fellow citizens to seek the redress of grievances in the courts of our Nation. As I and my colleagues said in our letter of November 14, it is "critical" that this agreement "be honored as the bill moves forward—both in and beyond the Senate."

The material follows.

S. 1751

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE; REFERENCE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Class Action Fairness Act of 2003".

(b) REFERENCE.—Whenever in this Act reference is made to an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 28, United States Code.

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

- Sec. 1. Short title; reference; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Consumer class action bill of rights and improved procedures for interstate class actions.
- Sec. 4. Federal district court jurisdiction for interstate class actions.
- Sec. 5. Removal of interstate class actions to Federal district court.
- Sec. 6. Report on class action settlements.
- Sec. 7. Enactment of Judicial Conference recommendations.
- Sec. 8. Rulemaking authority of Supreme Court and Judicial Conference.
- Sec. 9. Effective date.

### NOTICE

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BRUCE R. JAMES, *Public Printer*.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S16217

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds the following:

(1) Class action lawsuits are an important and valuable part of the legal system when they permit the fair and efficient resolution of legitimate claims of numerous parties by allowing the claims to be aggregated into a single action against a defendant that has allegedly caused harm.

(2) Over the past decade, there have been abuses of the class action device that have—

(A) harmed class members with legitimate claims and defendants that have acted responsibly;

(B) adversely affected interstate commerce; and

(C) undermined public respect for our judicial system.

(3) Class members often receive little or no benefit from class actions, and are sometimes harmed, such as where—

(A) counsel are awarded large fees, while leaving class members with coupons or other awards of little or no value;

(B) unjustified awards are made to certain plaintiffs at the expense of other class members; and

(C) confusing notices are published that prevent class members from being able to fully understand and effectively exercise their rights.

(4) Abuses in class actions undermine the national judicial system, the free flow of interstate commerce, and the concept of diversity jurisdiction as intended by the framers of the United States Constitution, in that State and local courts are—

(A) keeping cases of national importance out of Federal court;

(B) sometimes acting in ways that demonstrate bias against out-of-State defendants; and

(C) making judgments that impose their view of the law on other States and bind the rights of the residents of those States.

(b) PURPOSES.—The purposes of this Act are to—

(1) assure fair and prompt recoveries for class members with legitimate claims;

(2) restore the intent of the framers of the United States Constitution by providing for Federal court consideration of interstate cases of national importance under diversity jurisdiction; and

(3) benefit society by encouraging innovation and lowering consumer prices.

**SEC. 3. CONSUMER CLASS ACTION BILL OF RIGHTS AND IMPROVED PROCEDURES FOR INTERSTATE CLASS ACTIONS.**

(a) IN GENERAL.—Part V is amended by inserting after chapter 113 the following:

**“CHAPTER 114—CLASS ACTIONS**

“Sec.

“1711. Definitions.

“1712. Coupon settlements.

“1713. Protection against loss by class members.

“1714. Protection against discrimination based on geographic location.

“1715. Notifications to appropriate Federal and State officials.

**“§ 1711. Definitions**

“In this chapter:

“(1) CLASS.—The term ‘class’ means all of the class members in a class action.

“(2) CLASS ACTION.—The term ‘class action’ means any civil action filed in a district court of the United States under rule 23 of the Federal Rules of Civil Procedure or any civil action that is removed to a district court of the United States that was originally filed under a State statute or rule of judicial procedure authorizing an action to be brought by 1 or more representatives as a class action.

“(3) CLASS COUNSEL.—The term ‘class counsel’ means the persons who serve as the attorneys for the class members in a proposed or certified class action.

“(4) CLASS MEMBERS.—The term ‘class members’ means the persons (named or unnamed) who fall within the definition of the proposed or certified class in a class action.

“(5) PLAINTIFF CLASS ACTION.—The term ‘plaintiff class action’ means a class action in which class members are plaintiffs.

“(6) PROPOSED SETTLEMENT.—The term ‘proposed settlement’ means an agreement regarding a class action that is subject to court approval and that, if approved, would be binding on some or all class members.

**“§ 1712. Coupon Settlements.**

“(a) CONTINGENT FEES IN COUPON SETTLEMENTS.—If a proposed settlement in a class action provides for a recovery of coupons to a class member, the portion of any attorney’s fee award to class counsel that is attributable to the award of the coupons shall be based on the value to class members of the coupons that are redeemed.

“(b) OTHER ATTORNEY’S FEE AWARDS IN COUPON SETTLEMENTS.—

“(1) IN GENERAL.—If a proposed settlement in a class action provides for a recovery of coupons to class members, and a portion of the recovery of the coupons is not used to determine the attorney’s fee to be paid to class counsel, any attorney’s fee award shall be based upon the amount of time class counsel reasonably expended working on the action.

“(2) COURT APPROVAL.—Any attorney’s fee under this subsection shall be subject to approval by the court and shall include an appropriate attorney’s fee, if any, for obtaining equitable relief, including an injunction, if applicable. Nothing in this subsection shall be construed to prohibit application of a lodestar with a multiplier method of determining attorney’s fees.

“(c) ATTORNEY’S FEE AWARDS CALCULATED ON A MIXED BASIS IN COUPON SETTLEMENTS.—If a proposed settlement in a class action provides for an award of coupons to class members and also provides for equitable relief, including injunctive relief—

“(1) that portion of the attorney’s fee to be paid to class counsel that is based upon a portion of the recovery of the coupons shall be calculated in accordance with subsection (a); and

“(2) that portion of the attorney’s fee to be paid to class counsel that is not based upon a portion of the recovery of the coupons shall be calculated in accordance with subsection (b).

“(d) SETTLEMENT VALUATION EXPERTISE.—In a class action involving the awarding of coupons, the court may, in its discretion upon the motion of a party, receive expert testimony from a witness qualified to provide information on the actual value to the class members of the coupons that are redeemed.

“(e) JUDICIAL SCRUTINY OF COUPON SETTLEMENTS.—In a proposed settlement under which class members would be awarded coupons, the court may approve the proposed settlement only after a hearing to determine whether, and making a written finding that, the settlement is fair, reasonable, and adequate for class members. The court, in its discretion, may also require that a proposed settlement agreement provide for the distribution of a portion of the value of unclaimed coupons to 1 or more charitable or governmental organizations, as agreed to by the parties. The distribution and redemption of any proceeds under this subsection shall not be used to calculate attorneys’ fees under this section.

**“§ 1713. Protection against loss by class members**

“The court may approve a proposed settlement under which any class member is obligated to pay sums to class counsel that would result in a net loss to the class member only if the court makes a written finding that nonmonetary benefits to the class member substantially outweigh the monetary loss.

**“§ 1714. Protection against discrimination based on geographic location**

“The court may not approve a proposed settlement that provides for the payment of greater sums to some class members than to others solely on the basis that the class members to whom the greater sums are to be paid are located in closer geographic proximity to the court.

**“§ 1715. Notifications to appropriate Federal and State officials**

“(a) DEFINITIONS.—

“(1) APPROPRIATE FEDERAL OFFICIAL.—In this section, the term ‘appropriate Federal official’ means—

“(A) the Attorney General of the United States; or

“(B) in any case in which the defendant is a Federal depository institution, a State depository institution, a depository institution holding company, a foreign bank, or a non-depository institution subsidiary of the foregoing (as such terms are defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), the person who has the primary Federal regulatory or supervisory responsibility with respect to the defendant, if some or all of the matters alleged in the class action are subject to regulation or supervision by that person.

“(2) APPROPRIATE STATE OFFICIAL.—In this section, the term ‘appropriate State official’ means the person in the State who has the primary regulatory or supervisory responsibility with respect to the defendant, or who licenses or otherwise authorizes the defendant to conduct business in the State, if some or all of the matters alleged in the class action are subject to regulation by that person. If there is no primary regulator, supervisor, or licensing authority, or the matters alleged in the class action are not subject to regulation or supervision by that person, then the appropriate State official shall be the State attorney general.

“(b) IN GENERAL.—Not later than 10 days after a proposed settlement of a class action is filed in court, each defendant that is participating in the proposed settlement shall serve upon the appropriate State official of each State in which a class member resides and the appropriate Federal official, a notice of the proposed settlement consisting of—

“(1) a copy of the complaint and any materials filed with the complaint and any amended complaints (except such materials shall not be required to be served if such materials are made electronically available through the Internet and such service includes notice of how to electronically access such material);

“(2) notice of any scheduled judicial hearing in the class action;

“(3) any proposed or final notification to class members of—

“(A)(i) the members’ rights to request exclusion from the class action; or

“(ii) if no right to request exclusion exists, a statement that no such right exists; and

“(B) a proposed settlement of a class action;

“(4) any proposed or final class action settlement;

“(5) any settlement or other agreement contemporaneously made between class counsel and counsel for the defendants;

“(6) any final judgment or notice of dismissal;

“(7)(A) if feasible, the names of class members who reside in each State and the estimated proportionate share of the claims of such members to the entire settlement to that State’s appropriate State official; or

“(B) if the provision of information under subparagraph (A) is not feasible, a reasonable estimate of the number of class members residing in each State and the estimated proportionate share of the claims of such members to the entire settlement; and

“(8) any written judicial opinion relating to the materials described under subparagraphs (3) through (6).

“(c) DEPOSITORY INSTITUTIONS NOTIFICATION.—

“(1) FEDERAL AND OTHER DEPOSITORY INSTITUTIONS.—In any case in which the defendant is a Federal depository institution, a depository institution holding company, a foreign bank, or a non-depository institution subsidiary of the foregoing, the notice requirements of this section are satisfied by serving the notice required under subsection (b) upon the person who has the primary Federal regulatory or supervisory responsibility with respect to the defendant, if some or all of the matters alleged in the class action are subject to regulation or supervision by that person.

“(2) STATE DEPOSITORY INSTITUTIONS.—In any case in which the defendant is a State depository institution (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)), the notice requirements of this section are satisfied by serving the notice required under subsection (b) upon the State bank supervisor (as that term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) of the State in which the defendant is incorporated or chartered, if some or all of the matters alleged in the class action are subject to regulation or supervision by that person, and upon the appropriate Federal official.

“(d) FINAL APPROVAL.—An order giving final approval of a proposed settlement may not be issued earlier than 90 days after the later of the dates on which the appropriate Federal official and the appropriate State official are served with the notice required under subsection (b).

“(e) NONCOMPLIANCE IF NOTICE NOT PROVIDED.—

“(1) IN GENERAL.—A class member may refuse to comply with and may choose not to be bound by a settlement agreement or consent decree in a class action if the class member demonstrates that the notice required under subsection (b) has not been provided.

“(2) LIMITATION.—A class member may not refuse to comply with or to be bound by a settlement agreement or consent decree under paragraph (1) if the notice required under subsection (b) was directed to the appropriate Federal official and to either the State attorney general or the person that has primary regulatory, supervisory, or licensing authority over the defendant.

“(3) APPLICATION OF RIGHTS.—The rights created by this subsection shall apply only to class members or any person acting on a class member’s behalf, and shall not be construed to limit any other rights affecting a class member’s participation in the settlement.

“(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to expand the authority of, or impose any obligations, duties, or responsibilities upon, Federal or State officials.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part V is

amended by inserting after the item relating to chapter 113 the following:

“114. Class Actions ..... 1711”.  
**SEC. 4. FEDERAL DISTRICT COURT JURISDICTION FOR INTERSTATE CLASS ACTIONS.**

(a) APPLICATION OF FEDERAL DIVERSITY JURISDICTION.—Section 1332 is amended—

(1) by redesignating subsection (d) as subsection (e); and

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

“(d)(1) In this subsection—

“(A) the term ‘class’ means all of the class members in a class action;

“(B) the term ‘class action’ means any civil action filed under rule 23 of the Federal Rules of Civil Procedure or similar State statute or rule of judicial procedure authorizing an action to be brought by 1 or more representative persons as a class action;

“(C) the term ‘class certification order’ means an order issued by a court approving the treatment of some or all aspects of a civil action as a class action; and

“(D) the term ‘class members’ means the persons (named or unnamed) who fall within the definition of the proposed or certified class in a class action.

“(2) The district courts shall have original jurisdiction of any civil action in which the matter in controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs, and is a class action in which—

“(A) any member of a class of plaintiffs is a citizen of a State different from any defendant;

“(B) any member of a class of plaintiffs is a foreign state or a citizen or subject of a foreign state and any defendant is a citizen of a State; or

“(C) any member of a class of plaintiffs is a citizen of a State and any defendant is a foreign state or a citizen or subject of a foreign state.

“(3) A district court may, in the interests of justice and looking at the totality of the circumstances, decline to exercise jurisdiction under paragraph (2) over a class action in which greater than one-third but less than two-thirds of the members of all proposed plaintiff classes in the aggregate and the primary defendants are citizens of the State in which the action was originally filed based on consideration of—

“(A) whether the claims asserted involve matters of national or interstate interest;

“(B) whether the claims asserted will be governed by laws of the State in which the action was originally filed or by the laws of other States;

“(C) whether the class action has been pleaded in a manner that seeks to avoid Federal jurisdiction;

“(D) whether the action was brought in a forum with a distinct nexus with the class members, the alleged harm, or the defendants;

“(E) whether the number of citizens of the State in which the action was originally filed in all proposed plaintiff classes in the aggregate is substantially larger than the number of citizens from any other State, and the citizenship of the other members of the proposed class is dispersed among a substantial number of States; and

“(F) whether, during the 3-year period preceding the filing of that class action, 1 or more other class actions asserting the same or similar claims on behalf of the same or other persons have been filed.

“(4) A district court shall decline to exercise jurisdiction under paragraph (2)—

“(A)(i) over a class action in which—

“(I) greater than two-thirds of the members of all proposed plaintiff classes in the aggregate are citizens of the State in which the action was originally filed;

“(II) at least 1 defendant is a defendant—

“(aa) from whom significant relief is sought by members of the plaintiff class;

“(bb) whose alleged conduct forms a significant basis for the claims asserted by the proposed plaintiff class; and

“(cc) who is a citizen of the State in which the action was originally filed; and

“(III) principal injuries resulting from the alleged conduct or any related conduct of each defendant were incurred in the State in which the action was originally filed; and

“(ii) during the 3-year period preceding the filing of that class action, no other class action has been filed asserting the same or similar factual allegations against any of the defendants on behalf of the same or other persons; or

“(B) two-thirds or more of the members of all proposed plaintiff classes in the aggregate, and the primary defendants, are citizens of the State in which the action was originally filed.

“(5) Paragraphs (2) through (4) shall not apply to any class action in which—

“(A) the primary defendants are States, State officials, or other governmental entities against whom the district court may be foreclosed from ordering relief; or

“(B) the number of members of all proposed plaintiff classes in the aggregate is less than 100.

“(6) In any class action, the claims of the individual class members shall be aggregated to determine whether the matter in controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs.

“(7) Citizenship of the members of the proposed plaintiff classes shall be determined for purposes of paragraphs (2) through (6) as of the date of filing of the complaint or amended complaint, or, if the case stated by the initial pleading is not subject to Federal jurisdiction, as of the date of service by plaintiffs of an amended pleading, motion, or other paper, indicating the existence of Federal jurisdiction.

“(8) This subsection shall apply to any class action before or after the entry of a class certification order by the court with respect to that action.

“(9) Paragraph (2) shall not apply to any class action that solely involves a claim—

“(A) concerning a covered security as defined under 16(f)(3) of the Securities Act of 1933 and section 28(f)(5)(E) of the Securities Exchange Act of 1934;

“(B) that relates to the internal affairs or governance of a corporation or other form of business enterprise and that arises under or by virtue of the laws of the State in which such corporation or business enterprise is incorporated or organized; or

“(C) that relates to the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 and the regulations issued thereunder).

“(10) For purposes of this subsection and section 1453, an unincorporated association shall be deemed to be a citizen of the State where it has its principal place of business and the State under whose laws it is organized.

“(11)(A) For purposes of this subsection and section 1453, a mass action shall be deemed to be a class action removable under paragraphs (2) through (10) if it otherwise meets the provisions of those paragraphs.

“(B)(i) As used in subparagraph (A), the term ‘mass action’ means any civil action (except a civil action within the scope of section 1711(2)) in which monetary relief claims of 100 or more persons are proposed to be tried jointly on the ground that the plaintiffs’ claims involve common questions of law or fact, except that jurisdiction shall

exist only over those plaintiffs whose claims in a mass action satisfy the jurisdictional amount requirements under subsection (a).

“(ii) As used in subparagraph (A), the term ‘mass action’ shall not include any civil action in which—

“(I) all of the claims in the action arise from an event or occurrence in the State in which the action was filed, and that allegedly resulted in injuries in that State or in States contiguous to that State;

“(II) the claims are joined upon motion of a defendant;

“(III) all of the claims in the action are asserted on behalf of the general public (and not on behalf of individual claimants or members of a purported class) pursuant to a State statute specifically authorizing such action; or

“(IV) the claims have been consolidated or coordinated solely for pretrial proceedings.

“(C)(i) Any action(s) removed to Federal court pursuant to this subsection shall not thereafter be transferred to any other court pursuant to section 1407, or the rules promulgated thereunder, unless a majority of the plaintiffs in the action request transfer pursuant to section 1407.

“(ii) This subparagraph will not apply—

“(I) to cases certified pursuant to rule 23 of the Federal Rules of Civil Procedure; or

“(II) if plaintiffs propose that the action proceed as a class action pursuant to rule 23 of the Federal Rules of Civil Procedure.

“(D) The limitations periods on any claims asserted in a mass action that is removed to Federal court pursuant to this subsection shall be deemed tolled during the period that the action is pending in Federal court.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 1335(a)(1) is amended by inserting “(a) or (d)” after “1332”.

(2) Section 1603(b)(3) is amended by striking “(d)” and inserting “(e)”.

#### SEC. 5. REMOVAL OF INTERSTATE CLASS ACTIONS TO FEDERAL DISTRICT COURT.

(a) IN GENERAL.—Chapter 89 is amended by adding after section 1452 the following:

##### “§ 1453. Removal of class actions

“(a) DEFINITIONS.—In this section, the terms ‘class’, ‘class action’, ‘class certification order’, and ‘class member’ shall have the meanings given such terms under section 1332(d)(1).

“(b) IN GENERAL.—A class action may be removed to a district court of the United States in accordance with section 1446 (except that the 1-year limitation under section 1446(b) shall not apply), without regard to whether any defendant is a citizen of the State in which the action is brought, except that such action may be removed by any defendant without the consent of all defendants.

“(c) REVIEW OF REMAND ORDERS.—

“(1) IN GENERAL.—Section 1447 shall apply to any removal of a case under this section, except that notwithstanding section 1447(d), a court of appeals may accept an appeal from an order of a district court granting or denying a motion to remand a class action to the State court from which it was removed if application is made to the court of appeals not less than 7 days after entry of the order.

“(2) TIME PERIOD FOR JUDGMENT.—If the court of appeals accepts an appeal under paragraph (1), the court shall complete all action on such appeal, including rendering judgment, not later than 60 days after the date on which such appeal was filed, unless an extension is granted under paragraph (3).

“(3) EXTENSION OF TIME PERIOD.—The court of appeals may grant an extension of the 60-day period described in paragraph (2) if—

“(A) all parties to the proceeding agree to such extension, for any period of time; or

“(B) such extension is for good cause shown and in the interests of justice, for a period not exceed 10 days.

“(4) DENIAL OF APPEAL.—If a final judgment on the appeal under paragraph (1) is not issued before the end of the period described in paragraph (2), including any extension under paragraph (3), the appeal shall be denied.

“(d) EXCEPTION.—This section shall not apply to any class action that solely involves—

“(1) a claim concerning a covered security as defined under section 16(f)(3) of the Securities Act of 1933 and section 28(f)(5)(E) of the Securities Exchange Act of 1934;

“(2) a claim that relates to the internal affairs or governance of a corporation or other form of business enterprise and arises under or by virtue of the laws of the State in which such corporation or business enterprise is incorporated or organized; or

“(3) a claim that relates to the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 and the regulations issued thereunder).”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 89 is amended by adding after the item relating to section 1452 the following:

“1453. Removal of class actions.”.

#### SEC. 6. REPORT ON CLASS ACTION SETTLEMENTS.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Judicial Conference of the United States, with the assistance of the Director of the Federal Judicial Center and the Director of the Administrative Office of the United States Courts, shall prepare and transmit to the Committees on the Judiciary of the Senate and the House of Representatives a report on class action settlements.

(b) CONTENT.—The report under subsection (a) shall contain—

(1) recommendations on the best practices that courts can use to ensure that proposed class action settlements are fair to the class members that the settlements are supposed to benefit;

(2) recommendations on the best practices that courts can use to ensure that—

(A) the fees and expenses awarded to counsel in connection with a class action settlement appropriately reflect the extent to which counsel succeeded in obtaining full redress for the injuries alleged and the time, expense, and risk that counsel devoted to the litigation; and

(B) the class members on whose behalf the settlement is proposed are the primary beneficiaries of the settlement; and

(3) the actions that the Judicial Conference of the United States has taken and intends to take toward having the Federal judiciary implement any or all of the recommendations contained in the report.

(c) AUTHORITY OF FEDERAL COURTS.—Nothing in this section shall be construed to alter the authority of the Federal courts to supervise attorneys’ fees.

#### SEC. 7. ENACTMENT OF JUDICIAL CONFERENCE RECOMMENDATIONS.

Notwithstanding any other provision of law, the amendments to rule 23 of the Federal Rules of Civil Procedure, which are set forth in the order entered by the Supreme Court of the United States on March 27, 2003, shall take effect on the date of enactment of this Act or on December 1, 2003 (as specified in that order), whichever occurs first.

#### SEC. 8. RULEMAKING AUTHORITY OF SUPREME COURT AND JUDICIAL CONFERENCE.

Nothing in this Act shall restrict in any way the authority of the Judicial Conference

and the Supreme Court to propose and prescribe general rules of practice and procedure under chapter 131 of title 28, United States Code.

#### SEC. 9. EFFECTIVE DATE.

The amendments made by this Act shall apply to any civil action commenced on or after the date of enactment of this Act.

SUMMARY OF CHANGES TO S. 1751 AS AGREED TO BY SENATORS FRIST, GRASSLEY, HATCH, KOHL, CARPER, DODD, LANDRIEU, AND SCHUMER

##### THE COMPROMISE IMPROVES COUPON SETTLEMENT PROCEDURES

S. 1751 would have continued to allow coupon settlements even though only a small percentage of coupons are actually redeemed by class members in many cases.

The compromise proposal requires that attorneys fees be based either on (a) the proportionate value of coupons actually redeemed by class members or (b) the hours actually billed in prosecuting the class action. The compromise proposal also adds a provision permitting federal courts to require that settlement agreements provide for charitable distribution of unclaimed coupon values.

##### THE COMPROMISE ELIMINATES THE SO-CALLED BOUNTY PROHIBITION IN S. 1751

S. 1751 would have prevented civil rights and consumer plaintiffs from being compensated for the particular hardships they endure as a result of initiating and pursuing litigation.

The compromise deletes the so-called “bounty provision” in S. 1751, thereby allowing plaintiffs to receive special relief for enduring special hardships as class members.

##### THE COMPROMISE ELIMINATES THE POTENTIAL FOR NOTIFICATION BURDEN AND CONFUSION

S. 1751 would have created a complicated set of unnecessarily burdensome notice requirements for notice to potential class members. The compromise eliminates this unnecessary burden and preserves current federal law related to class notification.

##### THE COMPROMISE PROVIDES FOR GREATER JUDICIAL DISCRETION

S. 1751 included several factors to be considered by district courts in deciding whether to exercise jurisdiction over class action in which between one-third and two-thirds of the proposed class members and all primary defendants are citizens of the same state.

The compromise provides for broader discretion by authorizing federal courts to consider any “distinct” nexus between (a) the forum where the action was brought and (b) the class members, the alleged harm, or the defendants. The proposal also limits a court’s authority to base federal jurisdiction on the existence of similar class actions filed in other states by disallowing consideration of other cases that are more than three years old.

##### THE COMPROMISE EXPANDS THE LOCAL CLASS ACTION EXCEPTION

S. 1751 established an exception to prevent removal of a class action to federal court when 2/3 of the plaintiffs are from the state where the action was brought and the “primary defendants” are also from that state (the Feinstein formula). The compromise retains the Feinstein formula and creates a second exception that allows case to remain in state court if: (1) more than 2/3 of class members are citizens of the forum state; (2) there is at least one in-state defendant from whom significant relief is caught and who contributed significantly to the alleged harm; (3) the principal injuries happened within the state where the action was filed; and (4) no other class action asserting the

same or similar factual allegations against any of the defendants on behalf of the same or other persons has been filed during the preceding three years.

THE COMPROMISE CREATES A BRIGHT LINE FOR DETERMINING CLASS COMPOSITION

S. 1751 was silent on when class composition could be measured and arguable would have allowed class composition to be challenged at any time during the life of the case. The compromise clarifies that citizenship of proposed class members is to be determined on the date plaintiffs filed the original complaint, or if there is no federal jurisdiction over the first complaint, when plaintiffs serve an amended complaint or other paper indicating the existence of federal jurisdiction.

THE COMPROMISE ELIMINATES THE "MERRY-GO-ROUND" PROBLEM

S. 1751 would have required federal courts to dismiss class actions if the court determined that the case did not meet Rule 23 requirements. The compromise eliminates the dismissal requirement, giving federal courts discretion to handle Rule 23-ineligible cases appropriately. Potentially meritorious suits will thus not be automatically dismissed simply because they fail to comply with the class certification requirements of Rule 23.

THE COMPROMISE IMPROVES TREATMENT OF MASS ACTIONS

S. 1751 would have treated all mass actions involving over 100 claimants as if they were class actions. The compromise makes several changes to treat mass actions more like individual cases than like class actions when appropriate.

The compromise changes the jurisdictional amount requirement. Federal jurisdiction shall only exist over those persons whose claims satisfy the normal diversity jurisdictional amount requirement for individual actions under current law (presently \$75,000).

The compromise expands the "single sudden accident" exception so that federal jurisdiction shall not exist over mass actions in which all claims arise from any "event or occurrence" that happened in the state where the action was filed and that allegedly resulted in injuries in that state or in a contiguous state. The proposal also added a provision clarifying that there is no federal jurisdiction under the mass action provision for claims that have been consolidated solely for pretrial purposes.

THE COMPROMISE ELIMINATES THE POTENTIAL FOR ABUSIVE PLAINTIFF CLASS REMOVALS

S. 1751 would have changed current law by allowing any plaintiff class member to remove a case to federal court even if all other class members wanted the case to remain in state court. The compromise retains current law—allowing individual plaintiffs to opt out of class actions, but not allowing them to force entire classes into federal court.

THE COMPROMISE ELIMINATES THE POTENTIAL FOR ABUSIVE APPEALS OF REMAND ORDERS

S. 1751 would have allowed defendants to seek unlimited appellate review of federal court orders remanding cases to state courts. If a defendant requested an appeal, the federal courts would have been required to hear the appeal and the appeals could have taken months or even years to complete.

The compromise makes two improvements: (1) grants the federal courts discretion to refuse to hear an appeal if the appeal is not in the interest of justice; (2) Establishes tight deadlines for completion of any appeals so that no case can be delayed more than 77 days, unless all parties agree to a longer period.

THE COMPROMISE PRESERVES THE RULEMAKING AUTHORITY OF SUPREME COURT AND JUDICIAL CONFERENCE

The compromise clarifies that nothing in the bill restricts the authority of the Judicial Conference and Supreme Court to implement new rules relating to class actions.

THE COMPROMISE IS NOT RETROACTIVE

Unlike the House Bill, the compromise will not retroactively change the rules governing jurisdiction over class actions.

### FINANCIAL DISCLOSURES

Following is the federal campaign contribution report for David C. Mulford, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to India who was discharged from the Committee on Foreign Relations and confirmed by the Senate on December 9, 2003.

Nominee: David C. Mulford.  
Post: U.S. Ambassador to India.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self (David C. Mulford): \$1,000, 5/1/99, George W. Bush, Presidential Campaign; \$20,000, 6/27/00, RNC Presidential Trust; \$4,000, 6/27/00, Illinois Republican Party; \$152,000, 6/27/00, Victory 2000; \$1,000, 7/26/00, Friends of Schummer; \$5,000, 12/21/02, Bush/Cheney Presidential Transition Foundation; and \$12,500, 10/08/02, Republican National Committee.

2. Spouse (Jeannie S. Mulford): \$1,000, 5/1/99, George W. Bush, Presidential Campaign; \$20,000, 6/27/00, RNC Presidential Trust; \$4,000, 6/27/00; Illinois Republican Party; \$5,000, 12/21/02, Bush/Cheney Presidential Transition Foundation; and \$12,500, 10/08/02, Republican National Committee.

3. Children and Spouses: Ian Mulford (son) Kathy Mulford (spouse), no contributions;

Edward Mulford (son) Melanie Mulford (spouse), no contributions.

4. Parents: Theodore Mollenhauer Countryman Mulford (mother). Deceased. No contributions; Robert Lewis Mulford (father). Deceased. no contributions.

5. Grandparents: All grandparents deceased, no contributions.

6. Brothers and Spouses: William Mulford (brother) Tony Mulford (spouse), no contributions; Edward Mulford (brother) Philippa Mulford (spouse), no contributions.

7. Sisters and Spouses: No sisters/no spouses, no contributions.

Following is the federal campaign contribution report for James C. Oberwetter, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Saudi Arabia, who was discharged from the Committee on Foreign Relations and confirmed by the Senate on December 9, 2003.

Nominee: James C. Oberwetter.

Post: U.S. Ambassador to Saudi Arabia.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self—James C. Oberwetter: \$2000, 6/25/2003, Bush-Cheney 04 Inc.; \$500, 8/21/2002, John Cornyn for Senate; \$1000, 3/12/2002, John Cornyn for Senate; \$500, 2/20/2002, Friends of Jeb Hensarling; \$35, 8/18/2000, Lazio 2000; \$100, 7/5/2000, Republican National Committee (NFC); \$100, 2/5/2000, John Culberson for Congress; \$1000, 5/17/1999, George Allen for Senate; \$1000, 3/15/1999, George Bush Presidential Exploratory Committee; and \$504 annually, 1999–2003, Hunt Oil Company Political Action Committee.

2. Spouse—Anita Johnson Oberwetter: \$2000, 6/25/2003, Bush-Cheney 04 Inc.; \$1000, 3/12/2002, John Cornyn for Senate; and \$500, 8/21/2002, John Cornyn for Senate.

3. Children and Spouses: Ellen Oberwetter: \$250, 2002, Ron Kirk for Senate; \$25, 2003, Blair Hull for Senate; Rea Oberwetter, none; Brooke Oberwetter, none.

4. Parents: Albert Oscar Oberwetter & Hilda Curtis Oberwetter, both deceased, none; Ernest H. & Lena Dennison (spouse's parents), both deceased, none.

5. Grandparents: Deceased, none.

6. Brothers and Spouses: Albert R. & Marie Oberwetter, none; Randle & Ginny Dennison (spouse's brother), Dates unknown—Henry Waxman; for Congress, Bernie Sanders for Congress, each less than \$100; Larry & LuAnne Dennison (spouse's brother), none.

7. Sisters and Spouses: None.

## EXTENSIONS OF REMARKS

COMMENDING MASTER SERGEANT  
GERARD G. BABAUTA

**HON. MADELEINE Z. BORDALLO**

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 15, 2003*

Ms. BORDALLO. Mr. Speaker, today I would like to recognize the military service of Master Sergeant Gerard G. Babauta, who will be retiring on April 1, 2004. MSgt. Babauta has honorably served in the U.S. Air Force since March 1984. In the past 3 years he has selflessly deployed to Saudi Arabia twice so others would not have to leave their families. This is indicative of his service and attitude. He has always given his utmost in service to others, dedication to country, and honor to the U.S. Air Force.

As a native son of Guam, MSgt. Babauta continues a proud history of military service to our country. He stands alongside other proud Chamorros who have answered the call of duty to defend our Nation and its ideals. We thank MSgt. Babauta for his two decades of service to his country and wish him well as he pursues other endeavors. We also recognize his wife Theresa, daughter Sara, and son Matthew, who have stood by MSgt. Babauta as he has dutifully served his Nation.

TRIBUTE TO MEDRAD, INC.

**HON. MELISSA A. HART**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 15, 2003*

Ms. HART. Mr. Speaker, I am honored to have the opportunity to congratulate Medrad, Inc. for receiving the Malcolm Baldrige National Quality Award. This award is managed by the National Institute of Standards and Technology in conjunction with the private sector and honors achievements in quality and business excellence in manufacturing. Medrad received the news of its achievement in November from U.S. Secretary of Commerce Donald Evans, and I had the pleasure of attending the company's announcement. The award is a tribute to Medrad's President and CEO, John P. Friel, and his excellent team of workers.

Medrad, Inc., a company specializing in medical imaging, is headquartered in Indianola, Pennsylvania, and employs more than 1,000 people in fifteen locations around the world. Medical imaging is an important tool used to explore the vast terrain of the human body and Medrad has proven itself worthy of this award. With its dedication to continually improving the quality of their work, Medrad has become a business leader in the fourth district.

I ask my colleagues in the House of Representatives to join me in congratulating Medrad, Inc. on their accomplishment of receiving the Malcolm Baldrige National Quality Award.

IN RECOGNITION OF HAMAZKAYIN  
ARMENIAN EDUCATIONAL AND  
CULTURAL SOCIETY'S 75TH ANNI-  
VERSARY WORLDWIDE AND 35TH  
ANNIVERSARY OF ESTABLISH-  
MENT IN CALIFORNIA

**HON. ADAM B. SCHIFF**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 15, 2003*

Mr. SCHIFF. Mr. Speaker, I rise today to honor the Hamazkayin Armenian Educational and Cultural Society as it celebrates its 75th anniversary worldwide and 35th anniversary of its establishment in California. Hamazkayin Armenian Educational and Cultural Society was founded by a group of community leaders on May 28, 1928, in Cairo, Egypt, with the objective of providing a sound education to the new generation and preserving the ethnic identity and cultural heritage of the Armenian people, forced to live outside their homeland after the 1915 genocide and the fall, in 1920, of the First Republic of Armenia.

Subsequently, Hamazkayin Chapters sprouted throughout the Middle East, Europe, the United States, Canada, South America and Armenia to instill, perpetuate and preserve the centuries old Armenian culture. Hamazkayin established several schools and centers of learning. In 1930, Jemaran, an elementary and high school was founded in Beirut, Lebanon and it continues to be an important educational center in the Middle East. Similar schools were established in 1976 in Marseille, France and in 1986 in Sydney, Australia. In addition, Hamazkayin has an advanced learning institute for Armenian language and literature, as well as a printing press and publishing house in Beirut, Lebanon.

The Western USA Executive Board of Hamazkayin supervises the operations of eight chapters and seven special committees operating in Southern California, Fresno and San Francisco. This non-profit organization, run solely by dedicated and tireless volunteers, sponsors a plethora of activities including lectures, seminars, after-school workshops, commemorative events, exhibitions, concerts, recitals, traditional dance ensembles, dramatic arts troupes and choirs. The Western USA Executive Board's seven special committees, namely Music, Art, Contemporary and Heritage Committees, Ani Dance Company, Saryan Theater Company and Armenian Folk Instrument Orchestra, have one common goal: the conservation of the Armenian intellectual legacy and the promotion of cultural values. The activities of these Special Committees include preservation of classical, folk and popular music, performances of traditional and ethnic dances in authentic costumes, promotion of theatrical arts, presentation of social conventions and traditions throughout the centuries, as well as encouragement and support to talented young artists.

It is my distinct honor to recognize Hamazkayin's innumerable accomplishments

over the years. I ask all members of the United States House of Representatives to join me in congratulating Hamazkayin's 35 years of contributions to the ethnic diversity of the United States by nurturing the Armenian traditions and national heritage and sharing these cultural values with other communities, especially in California.

CONFERENCE REPORT ON H.R. 2673,  
CONSOLIDATED APPROPRIA-  
TIONS ACT, 2004

SPEECH OF

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. WOLF. Mr. Speaker, I want to thank the members of my subcommittee staff who have put in very long hours to produce the C-J-S portion of the omnibus appropriations bill. All members of the staff have worked long, hard hours through what was a difficult conference.

I would like to particularly thank Mike Ringler, clerk of the subcommittee, who has led the subcommittee through the House and Senate conference. I would also like to thank Christine Kojac, John Martens, and Leslie Albright, for their tireless efforts.

I also would like to thank the detailees, Anne Marie Goldsmith and Alan Lang, who have added their own expertise to help make the C-J-S portion of this bill great.

In my personal office, I would like to thank Dan Scandling, Janet Shaffron, J.T. Griffin, Samantha Stockman, and Neil Seifring for their efforts and work with the subcommittee.

Finally, I would commend David Pomerantz and Rob Nabors of the minority staff for their input and help in this truly bipartisan bill.

CONGRATULATING DAVID  
CRISOSTOMO

**HON. MADELEINE Z. BORDALLO**

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 15, 2003*

Ms. BORDALLO. Mr. Speaker, I rise today to recognize and congratulate David Crisostomo, a distinguished young journalist from Guam for his selection for the "Gannett Newsroom Supervisor Recognition Award for 2003." As one of sixteen newsroom managers recognized from a pool of sixty national finalists, the Gannett award is presented in recognition of exemplary leadership.

David began his career as a newsroom intern with the Pacific Daily News in 1992 and became a local news reporter in 1996. He served as a lifestyle reporter, assistant lifestyle editor and assistant local news editor; quickly working his way up the ranks to be appointed local news editor in December 2002.

David's selection for the Gannett award was based on the performance of his duties when

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Guam was hit by Supertyphoon Pongsona, one of the most devastating storms experienced. During the destructive storm, David stationed himself in the newsroom, working diligently to keep a traumatized community informed. Hourly he provided crucial and updated information on the newspaper's Web site.

When the storm subsided and David was informed of the loss of his parent's home, he took up residence in the newsroom for weeks to ensure coordinated local coverage. As a team player, David also galvanized nonprofit and community-based aid organizations, as well as the island's federal emergency management teams, in coordinating newspaper coverage in an effort to distribute vital information to a recovering community.

According to his nominator for the award, "David's editing leadership insured news coverage that focused on readers' needs during the storm and for weeks after, while the island still was rebuilding from the storm's devastation. David more than proved his leadership ability during this ordeal."

In addition, David is also actively involved in a leadership role with newspaper outreach efforts within the community. And recently, during the newspaper's planning process, he chaired an instrumental inter-department team. It is worth noting that David's award is in addition to other key corporate honors bestowed to Pacific Daily News staff and executives this year.

Gannett is an international company with headquarters in McLean, Virginia and maintains operations in forty-four states including the District of Columbia, Guam, Belgium, Germany, Hong Kong, Italy and the United Kingdom. In terms of circulation, Gannett is considered America's largest newspaper group with 100 daily newspapers and a combined daily circulation of 7.7 million. In addition of the Pacific Daily News, publications include USA Today, the nation's largest-selling daily newspaper, with a circulation of approximately 2.3 million and availability in 60 countries worldwide.

I want to commend David for his hard work and dedication to the people of Guam, and to express my sincere congratulations on his joining the ranks of 149 other Gannett managers that have been cited for outstanding work since the supervisor awards were introduced in 1994. As a native son of Guam, David serves as a model of success, hard work and perseverance for both young and old alike.

HAPPY NEW YEAR 4702 TO THE ORGANIZATION OF CHINESE AMERICANS

**HON. MELISSA A. HART**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 15, 2003*

Ms. HART. Mr. Speaker, I would like to wish the membership of the Organization of Chinese Americans a healthy and happy New Year for the year 4702, the year of the Monkey.

The New Year is a time for reflection and thanksgiving for the joys of life and loved ones and I am thankful for the richness that this organization brings to my region. Chinese Amer-

icans have made great contributions to Western Pennsylvania and to our Nation as a whole and I am very honored for this opportunity to wish them the best year yet in 4702.

I encourage my colleagues in the House of Representatives to join with me in wishing the members of the Organization of Chinese Americans a very happy and prosperous New Year.

IN RECOGNITION OF LARRY ZARIAN, RECIPIENT OF THE BOY SCOUTS OF AMERICA, VERDUGO HILLS COUNCIL 2003 GLENDALE DISTINGUISHED CITIZEN OF THE YEAR

**HON. ADAM B. SCHIFF**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 15, 2003*

Mr. SCHIFF. Mr. Speaker, I rise today to honor longtime Glendale community leader and activist Larry Zarian on the occasion of his receiving the Verdugo Hills Council, Boy Scouts of America 2003 Glendale Distinguished Citizen of the Year award. Larry has been actively involved with the Boy Scouts for many years, having served on the executive board of the Verdugo Hills Council, Boy Scouts of America for seventeen years.

Larry has been a vibrant part of the fabric of Glendale since he began residing there in 1953. Most notably, Larry served for sixteen years on the Glendale City Council and as mayor of Glendale for four terms. He is responsible for many accomplishments during his tenure on the Glendale City Council. He organized groups to raise funds for the Veteran's Memorial monument; worked to maintain Glendale hillsides; and was a supporter for code enforcement, enabling the city to identify landlords who maintained substandard conditions.

His activism and leadership was apparent when he was appointed to serve on a city commission at the age of 20. Subsequently, Larry was appointed by various local, state and national leaders to serve on other commissions. He served as chairman on the state Water & Power Commission & Planning Commission. Governor George Deukemejian and later Governor Pete Wilson appointed Larry to serve on the regional Water Quality Control Board. President Reagan appointed him to the National Highway Safety Commission.

As a member of the Glendale Junior Chamber of Commerce, Larry mentored young entrepreneurs about civic responsibility, community involvement and leadership. His dedication and service to the community placed him on numerous boards such as the Glendale Adventist Medical governing board where he helped raise funds for the MRI Center. As a board member of the Foundation for Glendale's Association for the Retarded, Larry was instrumental in securing the organization's first home in Glendale. Currently Larry is a member of the board of directors for Glendale Symphony. As an active and proud member of the Kiwanis, Larry annually helps with the Special Olympics and Jazz Day where he dons an apron to serve sandwiches.

Larry has been recognized for his selfless contribution to his community as recipient of Verdugo Hills Council Good Turn Award; Cit-

izen of the Year from the Glendale Chamber of Commerce; and Philanthropist of the Year from Glendale Adventist Medical Center. For many years, Larry has aptly been voted as one of the top 103 most influential people in the City of Glendale.

It is my pleasure to recognize Larry Zarian. I ask that all members of the United States House of Representatives join me in congratulating Larry for all his years of selfless service and dedication to the Boys Scouts of America and to the Glendale community at large.

IRAQ: A WAR OF CHOICE, (CONT.)

**HON. BARNEY FRANK**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 15, 2003*

Mr. FRANK of Massachusetts. Mr. Speaker, on December 8, I inserted into these pages an extraordinarily important article by Richard Haass, formerly the Director of Policy Planning at the State Department in the Bush administration. This article by Mr. Haass, which appeared in the November 23 Washington Post, has received far too little attention. In it, this very high ranking State Department official under the presidency of George Bush acknowledged what many of us have been arguing in the face of the administration's efforts to prove the contrary; namely, that the war in Iraq was motivated not by a fear of weapons of mass destruction or of the need to combat terrorism, but rather as a conscious policy choice in service of the administration's view of the world. As Mr. Haass himself argued in the central point of his essay, Iraq was a war of choice and not of necessity. Obviously if it had been occasioned by the likelihood of Saddam Hussein using weapons of mass destruction or of his furthering the efforts of al Qaeda, it would have fallen into the war of necessity category.

While I was disappointed that more attention had not been paid to this, I was not surprised to see in the December 8 Washington Post a very thoughtful article by Lawrence J. Korb underlining exactly how significant Mr. Haass's article was. Lawrence J. Korb who served as an Assistant Secretary of Defense under President Reagan has been for years one of the most thoughtful critics of national security excesses, and a strong articulator of rational foreign policy.

As Mr. Korb explicitly notes, what Richard Haass says in explaining the war in Iraq is directly contrary to the rationale given by the President, the Secretary of Defense and other high administration officials. It is, as Mr. Korb notes, unfortunate that Mr. Haass "was unwilling to go public with his views as did General Eric Shineski, while he could have made a difference." But while I join Mr. Korb in that regret, I do want to express admiration for Mr. Haass for speaking out now. Obviously he is aware of how much what he writes contradicts the official rationale for this war given by the Bush administration, and in this case the adage better late than never is relevant.

Because Lawrence J. Korb so clearly emphasizes the importance of Richard Haass's original article and because this is a significant debate that is getting too little attention from the American public, I ask that Lawrence J. Korb's article be printed here.

## A WAR OF CHOICE OR OF NECESSITY?

(By Lawrence J. Korb)

Eight months after the Bush administration got us involved in a bloody war in Iraq, we are now told by one of Secretary of State Colin L. Powell's closest advisers that Iraq was a war of choice after all. According to Richard Haass, director of policy planning at the State Department until June 2003 and still the Bush administration's special envoy to Northern Ireland, the administration "did not have to go to war against Iraq, certainly not when we did. There were other options" [op-ed, Nov. 23]. Really?

This is not what the administration told us before the war and continues to tell us to this day. On March 20, as he was sending troops into Iraq because the regime of Saddam Hussein allegedly possessed weapons of mass destruction and had ties to al Qaeda, Secretary of Defense Donald H. Rumsfeld told them, "We are at the point at which the risk of not acting is too great to wait longer. As you prepare, know that this war is necessary . . ." Some three weeks into the war, Powell, who had made the case for war to the United Nations, stated: "We do not seek war. We do not look for war. We don't want wars. But we will not be afraid to fight when these wars are necessary to protect the American people, to protect our interests, to protect friends."

Even after it had become abundantly clear that the arguments the Bush administration advanced for going to war were specious, both Vice President Cheney and Deputy Secretary of Defense Paul D. Wolfowitz explicitly rebutted Haass's position. In an Oct. 10 speech to the Heritage Foundation in which he lashed out at those who said we had a choice about invading Iraq, the vice president said: "Some claim we should not have acted because the threat from Saddam Hussein was not imminent. Since when have terrorists and tyrants announced their intentions, policy putting us on notice before they strike? On Nov. 4 Wolfowitz stated: "But one of the things that Sept. 11 changed was that it made it a war of necessity, not a war of choice."

The president himself continues to proclaim how necessary the war was. On Nov. 22 he said at a press conference in London, "Our mission in Iraq is noble and it is necessary."

On Thanksgiving Day the president told the troops in Baghdad: "You are defeating the terrorists here in Iraq so we don't have to face them in our own country."

Even more surprising is Haass's contention that despite its public pronouncements, the Bush administration knows that, because this is a war of choice, Americans will not support it unless it is relatively short and cheap. This is why the administration has changed its policy and accelerated the timetable to hand over increasing political responsibility to Iraqis, even if it means reducing what it is trying to accomplish.

Haass weakens his own case by arguing that the first Persian Gulf War was a real war of necessity and Vietnam was only a war of choice. Even those who argued against the recent invasion of Iraq would not contend that it was less necessary than the first Persian Gulf War. As Secretary of State James Baker noted in 1990, that war was really about oil. And Powell, then chairman of the Joint Chiefs of Staff, as well as such defense hawks as Sen. Sam Nunn (D-Ga.), wanted to give sanctions more time to work before invading Iraq. (If it was so necessary, why did the administration of the elder Bush not invade until it got other nations to fund the war?)

It is equally absurd to argue that the first Gulf War was more necessary than Vietnam.

In the mid-1960s many Americans, including most of us who were in the armed forces, believed that if South Vietnam fell to the Communists all of Southeast Asia would soon follow and the containment policy would be undermined. This is why the American people supported that conflict through the Tet offensive of 1968, even though more than 30,000 Americans had died by then.

Ironically, while Haass is wrong about Vietnam and the first Gulf War, he is right about Iraq. It is a war of choice—a bad choice as it turns out. Unfortunately, he was unwilling to go public with his views, as did Gen. Eric Shinseki, while he could have made a difference. This article should have been written nine months ago when Congress and the American people had a choice. Now our only real choice is to continue to stay and absorb the casualties and the cost.

## HONORING THE GUAM COUNCIL OF WOMEN'S CLUBS ON THEIR TWENTIETH ANNIVERSARY

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 15, 2003*

Ms. BORDALLO. Mr. Speaker, I rise today to congratulate the Guam Council of Women's Clubs on their 20th anniversary and to acknowledge the Council's present and past members. I commend the numerous contributions of the council to programs and organizations that benefit not only Guam's local population, but also the national and international community.

The Guam Council of Women's Clubs was founded in June 1983 as a response to the devastation in Guam from Super typhoon Pamela. A group of prominent local women answered the call to service, establishing the council in an attempt to unify existing organizations towards the goal of recovery. The organization was to be a congress made up of representatives from every association devoted to promoting women's issues around common backgrounds, cultures, ethnicity and purpose. Through this collaboration, the founders sought to harness the energy and spirit of such organizations to contribute to the betterment of the local community, while providing an opportunity to pursue and express the political, social and economic needs of every woman, as individuals and as a powerful collective force.

The names of the individual organizations which collectively comprise the Council include: the American Association of University Women; the Catholic Daughters of America; the Chinese Ladies Association; the Christian Women's Club; the Filipino Ladies Association of Guam; the Guam Women's Club; the Guam Memorial Hospital Volunteers Association; the International Women's Club; the Women's Division of the Japan Club of Guam; the Korean Women's Association; the Palau Women's Club; and most recently, the two Soroptomist International organizations.

As a founding member of this organization, I want to express my deepest gratitude to the Guam Council of Women's Clubs and its members for their years of hard work and dedication to the people of Guam, as they celebrate their 20th anniversary of service.

## PERSONAL EXPLANATION

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 15, 2003*

Mr. GIBBONS. Mr. Speaker, I would like to offer a personal explanation of the reason for my absence on November 17, 2003 during rollcall Votes #620, 621, 622, and 623. When these votes were called, I was detained in Nevada's Second Congressional District while tending to certain duties in the State of Nevada.

If present, I would have voted: "aye" on rollcall Vote #620, S.J. Res. 22; "aye" on rollcall Vote #621, S.J. Res. 18; "aye" on rollcall Vote #299, H. Con. Res. 299; and "aye" on rollcall Vote #623, A Motion on Hour of Meeting.

## THE TRUTHS OF GENEVA

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 15, 2003*

Mr. FRANK of Massachusetts. Mr. Speaker, no situation in the world is more deeply troubling to me and many others than the ongoing conflict involving Israel and the Palestinians. I speak as a strong supporter of Israel and of the moral importance of its continuing to exist as a free, independent, secure nation. Sadly, from the moment Israel's creation was announced—in accord with a U.N. resolution—in 1948, the unremitting hostility of its Arab neighbors plunged that small nation into war. The years since have been marked by a continuation of that hostility in many parts of the Arab world, with consequent violence and with large numbers of people's lives being lost, but also some progress in achieving peace. Most notably, the government of Menachem Begin signed an important peace treaty with Egypt in 1978 which, despite the skepticism of many Israelis and some of Israel's strongest supporters in America, has in fact worked enormously for the benefit of Israel by providing a peaceful situation for much of its borders. This 1978 agreement was one in which Israel gave up a large amount of territory which it had gained in a defensive war, territory which had both important strategic value and from which Israeli settlers were moved as part of the agreement. This has obvious relevance as a precedent for an agreement to end the current conflict.

In addition to this peace agreement with Egypt, Israel has over the years worked out arrangements with its neighbor to the east, the Kingdom of Jordan, which has similarly been beneficial compared to the strife that had previously existed in that area.

The central remaining question is of course whether or not an agreement can be reached between Israel and the Palestinians which will preserve Israel's security while allowing it to maintain its important political and moral role as a free, Jewish, democratic state. I know there are people who argue that it is inappropriate for Israel to be a Jewish state. Such arguments seem to me quite hollow, particularly when they come from those who have no quarrel with the existence of a number of official Islamic states throughout the Middle

East. I strongly oppose theocracy but I do not think there is anything wrong with a particular democratic society including an official religion as long as it does so in a way that protects the rights of those in the society who do not follow that religion. Israel comes far closer to that goal than any of its neighbors, and criticism of Israel on that score therefore seems particularly hypocritical and motivated more by opposition to the existence of the state than to any commitment to principle.

In fact, the importance of Israel remaining both Jewish and democratic is one key reason why a settlement of the conflict with the Palestinians is so important to me and many other strong supporters of Israel. As Prime Minister Sharon himself has noted, it is difficult to see how Israel can remain both democratic and Jewish if it continues to control all of the West Bank and Gaza Strip, with the large number of Palestinian inhabitants there. Combined with the Palestinians who live within Israel, the number of non-Jewish citizens—indeed of many citizens hostile to the existence of a Jewish state—means that conducting democratic politics and maintaining the state's Jewish character are at odds. For this and other reasons, an agreement between Israel and the Palestinians is greatly to be desired.

It is in this context that I join in welcoming the efforts of those on both the Israeli and Palestinian side who have recently demonstrated what an achievable Israeli-Palestinian peace can look like. Recently, in Geneva, a ceremony was held in which leading Israeli and Palestinian citizens signed onto their version of a comprehensive peace plan which provides both for a Palestinian state, and a State of Israel, with both having the viability necessary to exist as independent nations, and in a way that minimizes the likelihood of ongoing violence between them. This initiative, led by Yossi Beilin and Yasser Abed Rabbo, reflects a great deal of serious thought by people who have been deeply involved in trying to reach peace, and demonstrates that a true peace agreement is in fact achievable in ways that meet the needs of those in both Israel and the Palestinian areas who genuinely desire peace. In addition, a recent proposal outlined by Ami Ayalon and Sari Nusseibeh is less detailed but points in a similar direction.

Mr. Speaker, I understand and there is both in Israel and in some Palestinian circles a great deal of unhappiness that these four men and others joining with them have engaged in these activities. I think the criticisms are unwarranted and in fact counterproductive. Denigrating these efforts does not seem to me to be consistent with a professed desire to reach the peace settlement between Israel and the Palestinians that is so manifestly in the interests of all parties in the area.

On Friday, December 5, the distinguished newspaper *The Forward*, which has long been an important voice within America's Jewish Community, carried an editorial entitled *The Truths of Geneva*. Noting that "the Geneva initiative does not represent anything like the threat to Israel's safety that its opponents suggest," the editorial goes on to note that "by relying on respected, mainstream public figures from both sides to do the phrasing and map-making—including several of Israel's most trusted ex-generals and intelligence chiefs—they showed that a peace agreement could be reached that would satisfy the essential needs of both sides, if the leaders so chose." As the

editorial went on to note, the Geneva initiative "shows that there is a way out of Israel's deadly mess . . . it shows, in rough terms, what such a formula might look like."

Mr. Speaker, I ask that this editorial from a source that has long been one of Israel's most thoughtful and ardent defenders be printed here, as part of the effort of many of us to express our appreciation to those who have undertaken this difficult effort to demonstrate how peace can be achieved and to pledge our continuing support for their efforts.

[From the *Forward*, Dec. 5, 2003]

#### THE TRUTHS OF GENEVA

For all its theatrics, its celebrity cast and high-concept special effects, the "launch" this week in Switzerland of the so-called Geneva Understandings did not usher in a new era in Israeli-Palestinian relations. The document's authors and architects did not have the power to do anything of the sort. Private citizens all, they could hug and sing and display a document they had written together, but they could not make peace between the two warring nations. Only governments can do that.

For that same reason, the Geneva initiative does not represent anything like the threat to Israel's safety that its opponents suggest in their more overheated flights of rhetoric. The Geneva authors did not give anything away, because they had nothing to give away. All they did—all they could do—was to bring together groups of citizens from the two embattled communities and discuss ways the sides might settle their differences, if their leaders so chose. By relying on respected, mainstream public figures from both sides to do the phrasing and map making—including several of Israel's most trusted ex-generals and intelligence chiefs—they showed that a peace agreement could be reached that would satisfy the essential needs of both sides, if the leaders so chose. But they did not produce the peace agreement. Only governments can negotiate peace.

All the incendiary rubbish aside, there was nothing fraudulent going on at Geneva. The negotiators were not purporting to speak for the Israeli government any more than Tovah Feldshuh purports to be Golda Meir in her nightly appearances on Broadway. It's all play-acting, meant to draw an audience and, perhaps, make a point.

And yet, this play's message must carry a real sting, judging by the desperation of its opponents to find something, anything, wrong with it. Consider their arguments: First, the document should be ignored because it is meaningless and toothless. Second, it should be fought because it endangers Israel by somehow handing over valuable assets. Third, the Israeli authors let themselves be duped by Palestinian extremists who will never be satisfied even by the sweeping Geneva concessions. Fourth, the authors undercut the Sharon government's negotiating position by raising Palestinian expectations, thus reducing the likelihood that they will somehow accept the far more limited concessions Sharon is contemplating as part of his own plan for extricating Israel from its deadly mess.

That, in the end, is the Geneva initiative's real threat, and its only threat. It shows that there is a way out of Israel's deadly mess. It shows that there is a broad formula that could resolve the century-old dispute on terms both sides could live with. It shows, in rough terms, what such a formula might look like. By forcing itself into the spotlight and exciting public debate, it shows that there is a critical mass on both sides that could, with some effort, accept such a deal.

And it shows who is against reaching such a deal and would rather keep fighting.

Those are the truths of Geneva, and they are real ones. But they need not leave Israel isolated. Israel's friends could and should embrace the initiative—not for its details but for its vision—and encourage Israel's prime minister to do the same. He could, if he wanted, praise the initiative as a contribution to public discussion, details aside. He could point to the violent opposition of Palestinian hard-liners, who denounce the document for its betrayal of their "right of return," as evidence of the uphill climb still ahead. And he could vow to begin that climb, so Israelis can know that their leaders genuinely want to end their long nightmare.

#### TRIBUTE TO MAYBELL JEANNE JACOBSON

#### HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 15, 2003*

Ms. BORDALLO. Mr. Speaker, today, I want to pay tribute to a remarkable woman I was privileged to call my friend, Maybell Jeanne Jacobson. Jeanne passed away on October 10, 2003 following a long and valiant struggle with cancer.

Jeanne is survived by her husband, MG Hilding Leonard Jacobson, Jr.; by her son, George Chester, and her children by marriage, Grant and Linda Jacobson. She is also survived by her mother, Maude Haston, her sister Elsie Haston, and two brothers, Bud and Ernest Haston, all of whom remain in Sacramento. She leaves behind many others who love her, among them Mr. Pan Kayochar Todd of Tampa, FL, who became part of her extended family.

Jeanne was born on a small farm in Missouri on July 16, 1928. She spoke often of this rolling Missouri farm, of apple trees in the spring, with blossoms so fragrant, and birds singing in the fields as sun warmed the early morning air. This farm was a small piece of heaven she always carried with her.

With the coming of the Dust Bowl and the Depression, her family sold the farm and traveled to California to work in the migrant farm camps. Living in tents with dirt floors, her parents eventually saved enough money to buy a dairy farm outside Sacramento. Through all of this, she still managed to finish high school and attend college.

From Jeanne's simple beginnings she went on to travel the world, including China, Asia, Russia and Europe. She had an audience with the Pope at the Vatican, explored many corners of our glorious world, bringing with her respect and tolerance for other people's beliefs and customs.

Together with her husband, Major General Jacobson, Jeanne served our country in Washington, DC, Vietnam, Thailand and a final and wonderful tour of duty in Guam. Eventually settling in Lompoc, CA, in a home overlooking the first tee of the Vandenberg Village golf course, she enjoyed watching as well as playing the game of golf—and she played it very well. It was on Guam where Major General Jacobson was serving as the commanding officer at Andersen Air Force Base that I first met Jeanne and became life-long friends.

Jeanne ended this life without fear and with her family and many loved ones at her side.

She remains beloved in the hearts of so many, and it is our great honor to remember her today, especially in this special place that meant so very much to her.

ADDITIONS TO NOVEMBER 5, 2003  
FLOOR SPEECH IN SUPPORT OF  
H. RES. 425

**HON. JIM GIBBONS**

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 15, 2003*

Mr. GIBBONS. Mr. Speaker, I rise today in strong support of H. Res. 425, a Resolution to recognize and honor the brave men and women who responded to the horrendous wildfires that plagued Southern California last month.

While we all recognize that hundreds of first responders from the State of California bravely risked their lives to fight these wildfires, many Americans are less aware that hundreds of Nevada's first responders were also enlisted in this fight.

In fact, during the course of this deadly natural disaster, the State of Nevada deployed over 450 brave Americans to Southern California to join their neighbors in the effort to quell this deadly natural disaster.

These Nevadans included dozens of firefighters, paramedics, and highly-skilled mechanics.

Northern Nevada-based crews from the United States Forest Service and the Bureau of Land Management along with engine crews from the Nevada Division of Forestry, Reno, Sparks, Storey County, Elko County and the North Lake Tahoe Fire Protection District were dispatched on October 27 to fight the Southern California fires.

Additionally, four Ely firefighters, a member of Lovelock, Nevada's private fire department and a rescue truck formed a strike team with Walker Lake Paiute Tribe firefighters and firemen to join the united efforts across Nevada's Western border.

Finally, two strike teams composed of firefighters from Las Vegas, Clark County, Henderson, Pahrump, the Nevada Test Site and the Naval Air Station at Fallon drove in to offer support to a base camp in Santee.

Mr. Speaker, I encourage all of my colleagues to join me in supporting this important resolution. The brave first responders from all over the Western States, and Nevada, have earned this honor and I am pleased to recognize their selfless efforts today.

CONTROLLING THE ASSAULT OF  
NON-SOLICITED PORNOGRAPHY  
AND MARKET ACT OF 2003

SPEECH OF

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. CONYERS. Mr. Speaker, I rise in support of this legislation. There is no denying the fact that the rise in unsolicited commercial e-mail, or spam, has become an intrusive aspect of the Internet, negatively impacting consumers and Internet service providers. Sur-

veys have noted that the volume of spam rose from 8 percent of all e-mail in January 2001 to 45 percent of all e-mail in January 2003.

Increasingly, spam mail is designed to prey upon innocent consumers by enticing them with fraudulent or misleading offers. Even worse, many of these e-mails are created to trick Internet users of all ages into opening web pages that depict sexually-explicit materials. In fact, the Federal Trade Commission recently reported that, out of 1,000 pieces of spam it studied, 66 percent contained false or misleading information, and roughly 18 percent concerned adult offers.

At the same time, spam also is incredibly costly to our Nation's economy. The huge amount of spam that is transferred over the Internet has drastically altered the speed at which it takes to process e-mails and the amount of memory needed to maintain an e-mail account. These costs are often transferred to businesses and customers who are forced to pay for time spent reading and deleting junk mail. Indeed, the Ferris Research Group estimates that spam will cost the United States over \$10 billion in 2003. It is clear that something must be done about this problem.

To this end, I am gratified that many of my colleagues are unified in their resolve to pass a law to prevent spam and have reached this compromise. In order to stop the harmful practices of spammers, we have before us Federal legislation that gives consumers the ability to opt-out of receiving any commercial e-mail they do not want to receive and makes it illegal to falsify the identity of the sender.

With respect to enforcement, we have before us legislation that would allow for effective prosecution of those who violate Federal spam legislation. On the Federal level, by giving the Department of Justice and the Federal Trade Commission the tools to fine and place in jail the most egregious spammers, we can begin to give consumers control over their in-boxes. It is important to note that these protections are not limited to commercial e-mails; consumers will have enhanced protections against pornographic e-mails as well.

Also, knowing that effective law enforcement requires multiple fronts, this legislation does not rely on Federal enforcers alone, though. It empowers State attorneys general to bring civil actions against spammers for injunctions and damages. Moreover, it gives Internet service providers, whose systems suffer from spam traffic every day, the ability to bring lawsuits against violators.

The bottom line is that Congress must pass tough laws in order to deal effectively with spammers who can now hide behind the anonymity of the Internet. Only through legislation such as this that establishes civil and criminal penalties for sending unsolicited and fraudulent e-mails can we protect our Nation's consumers.

I urge my colleagues to support this legislation.

A TRIBUTE TO DEANNA WALKER

**HON. NICK LAMPSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 15, 2003*

Mr. LAMPSON. Mr. Speaker, I rise in appreciation of my constituent, Deanna Carol

Beadman Walker. Mrs. Walker retires from the Southeast Texas credit industry this month after 18 years at the Beaumont office of Computer Science Corporation with the gratitude and admiration of the Ninth District. Thousands of Southeast Texans have been able to start their lives as homeowners, maintain their credit, and enrich the lives of their families because of Mrs. Walker's work.

Mrs. Walker's efforts have contributed to a highly respected, well-run credit organization that is central to the economic vitality of a community, gives peace of mind to financial institutions and provides the tools consumers need to obtain creditworthiness.

She earned the respect of her colleagues, serving on the Board of Directors of the Gulf Coast Area Consumer Credit Counseling Service and the Beaumont Housing Authority. She served as President of Credit Women International—Orange Chapter and the Credit Management Association—Beaumont Chapter. She earned a place in the International Credit Association of Texas's Hall of Fame in 1996 and the distinction Credit Executive of the Year in 1998.

Mrs. Walker's professional success as a career woman complements her life success as wife to Weldon Walker and devoted mother to Becky, Ben, Tom, and Lisa. She is an asset to our community who has set a high standard of service and dedication to the people of the Ninth District. I commend Mrs. Walker for her efforts and congratulate her on this achievement.

AMERICAN DREAM DOWNPAYMENT  
ACT

SPEECH OF

**HON. MADELEINE Z. BORDALLO**

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Ms. BORDALLO. Mr. Speaker, I rise today in support of S. 811, which will authorize funding for grants to low-income first-time homebuyers and certain uniform servicemen and women in order that they may enjoy the American dream of homeownership.

I recall purchasing my first home and the tremendous satisfaction and pride that it afforded me. I believe that every American that works hard and saves for the purpose of raising his or her children in their own home deserves the opportunity to reap the fruits of their labor. I am proud that this Congress is prepared to encourage and support American homeownership.

I want to thank Financial Services Committee Chairman MICHAEL OXLEY and Ranking Democratic Member BARNEY FRANK, as well as Housing and Community Opportunities Subcommittee Chairman BOB NEY and Ranking Democratic Member MAXINE WATERS for their leadership in including a proposal that is very important to Guam and the insular areas in S. 811. I would especially like to thank Congressman FRANK and his staff for their guidance and leadership throughout this process. This provision would move the annual Community Development Block Grant funding provided to Guam and the insular areas from a strictly discretionary financing stream into the section 106 grant formula under which cities and communities in the States receive their

funding. This is where it belongs, as Guam and the insular areas should have parity with the States.

Passage of S. 811 will also eliminate a regulatory hurdle that prevents Guam, American Samoa, the Virgin Islands and the Commonwealth of the Northern Marianas from participating in the Section 108 Loan Guarantee Program. Inclusion in the Section 108 Loan Guarantee Program will allow the insular areas to apply for low-interest government-backed loans to build large projects such as bridges, schools and other projects designed to develop human, natural and capital resources to stimulate economic development.

Section 108 was a legislative priority of mine, prompting me to introduce H.R. 2422, the Insular Areas Community Development Act. Thanks to the kind support of Congresswoman HARRIS, as well as the helpful assistance of the Financial Services Committee leadership and staff, this longstanding issue for Guam and the insular areas will finally be resolved with the passage of S. 811.

I strongly urge my colleagues to vote in favor of S. 811.

CONFERENCE REPORT ON H.R. 2673,  
CONSOLIDATED APPROPRIATIONS ACT, 2004

SPEECH OF

**HON. CIRO D. RODRIGUEZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 8, 2003*

Mr. RODRIGUEZ. Mr. Speaker, I rise today to express my disappointment that the omnibus appropriations package before us, H.R. 2673, does not include provisions passed by both houses of Congress to protect workers' overtime pay, nor does it extend the Temporary Extended Unemployment Compensation (TEUC) program.

Mr. Speaker, here we are again, the holiday season is upon us and once more, it is time to buy presents for our loved ones. Whether we are celebrating Christmas, Chanukah, Kwanzaa or simply the holiday season, it is a time for sharing gifts, festive meals and caring for others. Unfortunately, the appropriations package before us will strip workers of their overtime rights and does not extend TEUC benefits, possibly resulting in Santa Claus not making stops at everyone's house next year.

Millions of families continue to struggle through the rough fringes of our economy. Currently the official U.S. unemployment rate is at 5.9 percent, representing more than 8.5 million unemployed workers, and the rate for Hispanics has moved up to 7.4 percent. As much as these can be seen as mere figures, we must realize that they are more than just numbers. They represent human beings: someone who needs work and whose family may need food and clothing. These are not luxuries; they are the essentials.

Too many Americans are going to wake up New Year's morning to find out that their unemployment insurance has run dry. In the past 2 years, we've seen some 3 million jobs disappear.

Mr. Speaker, we had an opportunity to extend the reauthorization of the TEUC program and we failed to do it.

I joined the efforts to extend those benefits so that working families still looking for jobs

can enter the New Year with some peace of mind. The leadership in this House, however, saw it differently and blocked our efforts to extend help to out-of-work Americans. They reportedly said the economy's doing so much better that unemployed workers don't need any extra help. Sadly, this failure not only hurts families but also the economy. Worse yet, it comes just a few weeks after these same leaders approved a \$12 billion handout to insurance companies.

That's not all. Even those who are fortunate to have jobs have come under attack by the leadership of this House. On March 31, 2003, the Bush administration proposed changes to the overtime pay rules that require additional pay for workers who put in more than 40 hours per week. These changes will impact up to 8 million employees who could find themselves working longer without any additional pay.

Once again, Mr. Speaker, we had an opportunity to include provisions in this massive appropriations package to ensure that the rights of over 8 million workers to receive overtime for their hard work were protected, and we failed.

The new rules will impact workers who make between \$22,101 and \$65,000 per year. These middle class workers, from journalists to medical technicians, often rely on the extra money they get from overtime and appreciate there being some limit on the time they are expected to work.

Congress voted to stop this change in labor policy, though the vote was particularly close. Despite this action from Congress, the Bush administration has continued to push for the changes. The President even issued a veto threat against this massive appropriations bill if it included any attempt to maintain the overtime protections for these workers and their families.

As we enter the holiday season, it's sad that there's so little compassion for Americans struggling to find jobs and make ends meet. Clearly, the battle for America's working families is not over.

THE PHILADELPHIA CONFERENCE  
ENTITLED "PARTNERSHIP FOR  
PROSPERITY AND SECURITY"

**HON. CURT WELDON**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 15, 2003*

Mr. WELDON of Pennsylvania. Mr. Speaker, converting Cold War military technology to serve peaceful purposes was the subject of a conference which took place last month in my State of Pennsylvania. Taking place in Philadelphia, the conference was entitled "Partnership for Prosperity & Security" and was hosted by U.S. Secretary of Energy Spencer Abraham and his Russian counterpart, Minister Alexander Rumyantsev. As the op-ed below by Kempton Jenkins describes, it was a showcase of new technology products in fields ranging from energy, nanotechnology and healthcare to detection technologies for counter-terrorism. It was an important demonstration of the power of cooperation between our two countries and I recommend the article to my colleagues.

[From American/Russian Business Today,  
Dec. 2003]

"GUNS TO PLOWSHARES" AND NUCLEAR NON-PROLIFERATION: THE U.S.-RUSSIAN PARTNERSHIP

(By Kempton Jenkins)

While developments in Iraq dominate headlines and newscasts, the threat to civilization itself of nuclear proliferation is both real and urgent. Diplomatic collaboration between Moscow and Washington in dealing with North Korea and Iran is central to containing this threat. In the long-run, cooperation between the United States and Russia in harnessing our huge Cold War stockpiles (and the brain power which produced them) is the only way to remove this threat to both of us and the rest of the world.

Last month in Philadelphia U.S. Secretary of Energy Spencer Abraham and his Russian counterpart, Minister Alexander Rumyantsev, chaired a conference entitled "Partnership for Prosperity & Security." It was dedicated to accelerating cooperation between Russia and the U.S. on proliferation policy and promoting the continued conversion of military-industrial capacity to serve peaceful purposes. Dramatic progress, largely unnoticed publicly, has already been accomplished. At the conference, Secretary Abraham and Minister Rumyantsev announced important new initiatives.

The Philadelphia conference drew attention to a number of health-related products that are byproducts of the bilateral effort to convert military technologies to civilian uses. The event was a showcase of new technologies from Russia, Ukraine, and Kazakhstan to potential U.S. industry partners and financiers. The conference's exhibition hall displayed 100 high-technology products ready for commercialization in fields ranging from energy (coal, oil, gas, nuclear and fuel cell) and radio pharmaceuticals to aerospace, nanotechnology and detection technologies for counter-terrorism.

The U.S. Department of Energy, in collaboration with U.S. Industry Coalition, has already helped form more than 100 commercial partnerships between U.S. companies and Russian, Ukrainian, and Kazakhstan institutes and private companies to bring new (and heretofore inaccessible technologies) to the global market. In 1991, a small New Mexico engineering company recognized the commercial potential in a Russian radar technology and embarked on a successful partnership to develop applications in energy and land mine detection. With a team of more than 100 weapons scientists and engineers in the Russian city of Nizhny Novgorod, Stolar Horizon has developed "Horizon Sensor" radar mapping, a technique allowing cleaner, more efficient access to coal, methane gas and oil. The same technology is being developed for humanitarian purposes by Stolar Horizon and SPEKTR Conversia in the closed nuclear city of Snezhinsk. The "EDIT" detector is able to locate both metal and plastic land mines—an urgently needed tool in the global effort to find and disable tens of thousands of land mines.

Persons confined to wheelchairs due to disease or accidents are susceptible to pressure ulcers—painful, sometimes-deadly infections caused by lack of circulation and motion. Health care costs associated with treatment are estimated at \$8 billion in the U.S. alone. Numotech, a small California medical devices firm with an FDA-approved automated wheelchair seat cushion proven to prevent these sores, was facing significant engineering production problems when the company was introduced to the Russian SPEKTR Conversia in 1999. Today the resulting U.S.-Russian partnership is planning the launch

next year of the "Generic Total Contact Seat," with components engineered and manufactured in Russia.

Needle-free injections are performed for mass inoculations and immunizations, but they also pose the risk of spreading disease. With decades of experience in needle-less technology, scientists at the medical research group of the Voronezh missile plant in Russia developed a disposable cap with an impermeable membrane. Their paper about this development caught the attention of Felton International, an animal injection company in Lenexa, Kansas, which is now in partnership with CADB MedEquipment to manufacture the "Pulse 2000" injector for animal use and human clinical trials in the U.S.

Just as the expanding U.S.-Russian partnership is replacing military-industrial confrontation with peaceful product development, there is reason for optimism that Russo-American collaboration can also prevail over the threat of nuclear conflagration in the future.

#### PERSONAL EXPLANATION

### HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 2003

Mr. BACA. Mr. Speaker, on rollcall No. 677, for personal reasons, due to my illness, I was unable to be in the Chamber when the time elapsed on the vote.

Had I been able to vote, I would have voted "no" on the motion that House Resolution 474 be laid on the table.

#### HONORING CONGRESSMAN JOE SKEEN

SPEECH OF

### HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 8, 2003

Ms. PELOSI. Mr. Speaker, it is with great sadness that I rise to pay tribute to former Congressman Skeen of New Mexico, who passed away this week after a long battle with Parkinson's disease. Joe was a good friend and a dedicated public servant, and we will miss him terribly.

Joe Skeen was a gentleman in the finest sense of the word. He treated everyone with respect and offered his friendship to all. The entire Congress would agree that Joe's character was of the highest quality. He had a wonderful sense of humor.

Joe was a man of his district. Born and raised in New Mexico, he understood and worked for rural America. A sheep and cattle rancher, he understood the needs of his district—including schools, utilities, health care, and the many other particular requirements of a rural area—and he always fought to meet those needs. His attention to his district is just part of why his constituents made him the longest-serving Member of the House of Representatives from New Mexico.

It was my good fortune to serve with Joe on the Appropriations Committee, where he served as the Chairman of the Subcommittee on Interior. It was on the Appropriations Committee that I learned how special he was.

Throughout the often difficult process of writing and passing Appropriations bills, Joe was always known for his fairness and civility. He listened to his colleagues and tried to respond to their needs.

Since his retirement last year, we have missed Joe in the Congress. He always put his country ahead of party and desired accomplishments for the American people most of all. He cared about the House of Representatives as an institution and about bipartisanship as a noble part of our work here. He elevated the character of the House of Representatives, and we are so grateful for his service here.

Our thoughts and prayers are with his wife, Mary, and their two children, Elisa and Mikell. I hope it is a comfort to them that so many people share their loss and are praying for them at this sad time.

#### RECOGNIZING THE POTLATCH CORPORATION

### HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 2003

Mr. OTTER. Mr. Speaker, I rise today in recognition to the Potlatch Corporation. The Potlatch Corporation, one of the nation's oldest forest products companies, is currently celebrating its centennial year.

Founded in 1903 as Potlatch Lumber Co., the company built its first sawmill in 1906 at a location in North Idaho where Native American celebrations of gift giving and goodwill known as "potlatches" had been held. Today, the Potlatch Corporation is an integrated forest products company with 1.5 million acres of timberland in Idaho, Minnesota and Arkansas, and a hybrid poplar plantation in Oregon. The company's 14 manufacturing operations in Idaho, Minnesota, Arkansas, and Nevada produce lumber, plywood, oriented strand board, particleboard, bleached pulp, paperboard and private label consumer tissue products.

The Potlatch Corporation has earned a national reputation for progressive land management practices and innovative products that efficiently utilize wood resources. Potlatch continues its strong tradition of efficient wood fiber utilization, while supplying customers around the world with quality products and service.

Although recent years have brought many challenges to the domestic wood and paper industry, Potlatch remains competitive in the global market. From its roots in North Idaho, Potlatch has blossomed into an industry leader, and it continues to be a strong contributor to the economy of North Idaho. I wish to congratulate the Potlatch Corporation on a hundred years of success, and I look forward to its continued growth and vitality.

#### IRAQ RECONSTRUCTION COSTS

### HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 15, 2003

Mr. WAXMAN. Mr. Speaker, I am inserting into the CONGRESSIONAL RECORD a copy of a letter we sent to National Security Advisor

Condoleezza Rice on October 29, 2003, regarding these issues. I am also inserting recent data from the U.S. Army Corps of Engineers on November 17, 2003, providing a breakdown of Halliburton's charge of \$2.64 per gallon. This data shows that Halliburton is charging the U.S. taxpayer \$1.17 per gallon for fuel and \$1.21 per gallon for transport, as well as \$0.02 per gallon for "other" charges, and \$0.24 per gallon in "markups" that go directly to Halliburton.

HOUSE OF REPRESENTATIVES,

Washington, DC, October 29, 2003.

Hon. CONDOLEEZZA RICE,

Assistant to the President for National Security Affairs, The White House, Washington, DC.

DEAR MS. RICE: We have learned that the U.S. government is paying enormous sums for gasoline imported into Iraq from Kuwait. We are writing to learn why this is happening and what can be done to stop this waste of taxpayer dollars.

Here are the facts:

1. As of October 19, 2003, Halliburton has imported 61,304,091 gallons of gasoline from Kuwait into Iraq. Halliburton has been paid \$162,503,305 for this gasoline, for an average price of \$2.65 per gallon.

2. The \$2.65 per gallon price is grossly excessive. Experts we consulted stated that the total price for buying and transporting gasoline into Iraq should be less than \$1.00 per gallon. They estimated the price to buy gasoline in the region at 71 cents per gallon, and they estimated transportation costs at less than 25 cents per gallon, for a total per-gallon price of about 96 cents.

3. The Iraqi oil company, SOMO, is currently paying 97 cents per gallon to import gasoline from Kuwait to Iraq. Even Halliburton has charged only \$1.22 per gallon to import gasoline from Turkey into Iraq.

4. The gasoline imported from Kuwait is sold inside Iraq for just 4 to 15 cents per gallon. Although Iraq has the second richest oil reserves in the world, the U.S. government is subsidizing over 95% of the cost of gasoline consumed by Iraqis.

We have heard different possible explanation for the exorbitant cost of the gasoline. One is that Halliburton is paying inflated prices in order to receive favorable consideration for other projects. Another is that the Bush Administration is responsible and, in effect, is using Halliburton as a vehicle for moving funds.

We do not know if either of these explanation is accurate. But we do know that U.S. taxpayers are not getting their money's worth. The U.S. government is paying nearly three times more for gasoline from Kuwait than it should, and then it is reselling this gasoline at a huge loss inside Iraq. Whether this is due to incompetence, malfeasance, or some other reason, the waste of taxpayer dollars must be stopped.

We cannot understand the refusal by the Administration to respond to our previous requests for information. We have written the White House twice to express our concerns about how taxpayer dollars are being spent in Iraq. But the White House has refused to address the matter. The signal that this sends is that the Administration either has no explanation or does not care about squandering taxpayer dollars.

Three weeks ago, you were given responsibilities for coordinating Iraqi reconstruction efforts. We are therefore writing to you to seek answers to the following basic questions:

What is the justification for paying \$2.65 per gallon to import gasoline from Kuwait into Iraq?

What is the jurisdiction for selling this gasoline for only 4 to 15 cents per gallon inside Iraq?

Halliburton issued a subcontract to import gasoline from Kuwait into Iraq that was awarded without any competition. Who received the subcontract and why was the subcontract awarded without competition?

Who within the U.S. government and the Coalition Provisional Authority reviewed and approved the subcontract to purchase and transport the gasoline from Kuwait into Iraq?

Did any official within the U.S. government or the Coalition Provisional Authority direct Halliburton to use a specific subcontractor to purchase and transport gasoline from Kuwait into Iraq?

As you know, the Administration has requested \$900 million for fuel imports in the latest emergency supplemental request. In light of this pending request, we ask that you respond to these questions immediately.

Sincerely,

HENRY A. WAXMAN,  
*Ranking Minority Member,  
Committee on Government  
Reform.*

JOHN D. DINGELL,  
*Ranking Minority Member,  
Committee on Energy and  
Commerce.*

THE COST OF GASOLINE

	<i>Price per gal.</i>
From Turkey:	
Fuel .....	\$ .89
Transport .....	.22
Other .....	.02
Markups .....	.11
	1.24
From Kuwait:	
Fuel .....	\$ 1.17
Transport .....	1.21
Other .....	.02
Markups .....	.24
	2.64

Source: U.S. Army Corps of Engineers (November 17, 2003).

H.R. 3490—GPO “BUY OUT” BILL

**HON. JOHN B. LARSON**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 15, 2003*

Mr. LARSON of Connecticut. Mr. Speaker, I would like to bring to the House's attention H.R. 3490, a bill introduced by the distinguished chairman of the Joint Committee on Printing and the House Administration Committee, the gentleman from Ohio (Mr. NEY), and me to repeal a requirement that the Government Printing Office make certain payments to the Civil Service Retirement and Disability Fund in connection with voluntary separation incentive programs, or “buy-outs.”

In a buy-out, an agency seeking to trim its workforce offers employees cash incentives to leave the rolls voluntarily, saving the agency and the taxpayers money. In 1998, Congress authorized buy-outs at GPO for 3 years, later extended through fiscal 2004. The new Public Printer, Bruce James, has used this authority for the first time this year. To defray the GPO program's cost, Congress provided \$10 million in the fiscal 2004 Legislative Branch Appropriations Act.

Similar to buy-out provisions applicable throughout the executive branch at the time, the GPO-specific buy-out legislation requires the agency to pay 15 percent of the value of the salaries of those participating in the buy-

out to the Office of Personnel Management, to be credited to the civil-service retirement fund. The 15 percent requirement necessarily raised the cost of buy-outs to agencies and discouraged their use. Last year, in the act establishing the Department of Homeland Security, Congress repealed the 15 percent requirement for the entire executive branch, leaving the Government Printing Office unaffected. A similar requirement on the General Accounting Office will expire next month.

Mr. Chairman, the Public Printer asked the Committee on House Administration for the provision that became H.R. 3490, and I believe the House should enact it. I know of no reason that, having repealed the 15 percent requirement for the executive branch, Congress should not repeal it for GPO as well. The Public Printer expects to save \$21 million annually from buying-out 312 employees under the law as it now stands, a sizeable sum. By relieving GPO of the 15 percent requirement, the Public Printer could offer approximately 100 additional buy-outs, saving up to \$7 million more, for a total of \$28 million a year.

I want to thank the Public Printer, Bruce James, for bringing this matter to the committee's attention so promptly and thereby providing us the opportunity to realize these additional savings. It has been a pleasure to work with him and especially with his Director of Congressional Relations, Andy Sherman, to bring this proposal forward before the end of this session of the 108th Congress. While I am disappointed that we were unable to enact this bill before adjourning, I am hopeful we can do so shortly after the second session of the 108th Congress convenes.

THANKING NURSE MARGARET  
MARY MCHUGH O'NEILL

**HON. JOHN B. LARSON**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 15, 2003*

Mr. LARSON of Connecticut. Mr. Speaker, as this session of Congress draws to a close, the entire congressional family in the House of Representatives must confront the impending retirement of one of our most beloved members, Nurse Margaret Mary McHugh O'Neill. While we are happy for Margaret as she draws to a close her career in Federal service, those of us who bid her farewell are doubtless more than a little worried about how we will make do without her.

Irish by heritage, a New Englander by birth, and a saint by temperament, Margaret has surely touched the lives of countless men and women all over the world as she has worked in her chosen profession, nursing. As the proud wife of an Army officer, Margaret accompanied her husband Michael, and later their beautiful daughter Kathleen, around the world, setting a shining example of the best that the nursing profession has to offer. During her peripatetic career, Margaret has left her mark on the Army, the Red Cross, and elsewhere. Most recently, for the last dozen years Margaret has looked after the health and welfare of Members and staff of the House as an Occupational Health Nurse, posted in the Attending Physician's Health Unit in the Longworth Building.

Upon my arrival in the House in 1999, I had no idea how fortunate I was to draw a room assignment in the Longworth Building. But I quickly realized how lucky I was, and remain to this day. Shortly after being sworn in, my Administrative Assistant took my wife Leslie and my sick daughter Laura down to Nurse O'Neill so that Laura could be treated. Later that first year, he also took me down to visit the nurse. I have to say that my wife and I, as well as our children, were charmed by Margaret's wit and soothing disposition. My family, the staff in both my personal and House Administration Committee offices, and I have sought Margaret's wise counsel, in far more than just medical matters, more than she can ever know, and I am sure we are not alone in this respect. Always there to minister to the physically sick and injured, as well as to salve an occasional bruised ego, or even merely to offer a cheery moment's respite from the many pressures of Capitol Hill, the effects to Margaret's toils on behalf of the rest of us over the years have been nothing less than miraculous. If you don't believe me, ask anybody who has ever visited her office. On most days, her office has more closely resembled a delicatessen, as the door opened and closed dozens of times an hour as her many patients sought her help and advice.

I dare say sometime ago Margaret really should have installed one of those “take-a-number” dispensers so her patients could know how far down the queue they were. Of course, I use the word “patients” in the technical sense; the more correct term would be “admirers,” “confidants,” or perhaps most simply, “friends.” I am certain that in a long career of public service, Margaret has not grown rich in the material sense. But in the practical and spiritual sense, I am confident that Margaret is among the richest women on earth, blessed by the admiration, friendship, good wishes and prayers of the thousands of lucky persons whose good fortune it has been to have known and worked in her midst through the years.

While Margaret's congressional career may be drawing to a close much to our dismay, in truth, Margaret is merely expanding her horizons in search of others to serve professionally and spiritually. Margaret intends to continue her good works into her next career ministering to the needs of parishioners of St. Peter's on Capitol Hill, and studying theology. My staff and I find it comforting to know that Margaret will be nearby, where we can continue to seek her advice and counsel. Of course, being nearby, we hope and pray that she will visit us often, so we can continue and strengthen our friendship in the months and years ahead.

Mr. Speaker, all of us in the House family are privileged to know Nurse Margaret O'Neill. It has been a joy to work with Margaret, and all of us here in the House have been truly fortunate to benefit from her countless good works over these years. Please join me in thanking our dear friend Margaret for her tireless efforts in our behalf, and in wishing her, Michael and Kathleen the best as Margaret changes careers and duty stations yet again. May Margaret always look back fondly upon her days with the House, as we surely will.

TRIBUTE TO CHRISTIAN  
HENDRICKS

**HON. JOHN B. LARSON**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, December 15, 2003*

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to recognize and congratulate Mr. Christian “Chris” Hendricks, Deputy Inspector General of the House of Representatives, for his outstanding service to the House for the past 6 years, and to the Federal Government for over 27 years. Chris will retire at the end of this year. During his distinguished career, Chris gained wide experience in the Defense Department and other civilian agencies, as

well as the House, and amassed considerable skill as a certified public accountant, certified internal auditor, and certified information systems auditor, to name only a few of his impressive professional credentials.

Chris certainly made good use of his experience here in the House, and my staff and I have found his counsel invaluable as we strive to continuously improve the House’s financial and administrative operations. I particularly appreciated his diligence in ensuring that the minority members of the House Administration Committee have been kept informed. Chris has provided important advice on a wide array of projects ranging from the security of our computer systems, to the deployment of emerging technology and the development of critical financial systems, improved services to

Members, and the safety and security of House facilities. Not only did Chris share his knowledge and expertise here in the House, he shared it with others through his active involvement in auditing organizations and by teaching others seeking to achieve professional certifications of their own.

A consummate professional, Chris will be sorely missed by all of his colleagues, but he can take great satisfaction in the improvements made here in the House that resulted directly from his contributions. Once again, Mr. Speaker, I want to congratulate Chris on his career and thank him for his outstanding service to the House. Please join me in wishing Chris and his wife Nancy much happiness as they pursue new challenges in the years ahead.

Monday, December 15, 2003

# Daily Digest

## HIGHLIGHTS:

See Résumé of Congressional Activity.

## Senate

The Senate was not in session today. It stands adjourned sine die until Tuesday, January 20, 2004, at 12 Noon.

Enrolled Bills Presented: Page S16217

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## House of Representatives

The House was not in session. Pursuant to H. Con. Res. 339, the House has adjourned sine die until Tuesday, January 20, 2004 for the convening of the Second Session of the 108th Congress.

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### NEW PUBLIC LAWS

*(For last listing of Public Laws, see DAILY DIGEST, p. D 1356–1357)*

H.R. 3348, to reauthorize the ban on undetectable firearms. Signed on December 9, 2003. (P.L. 108–174)

# 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 December 9, 2003

	<i>Senate</i>	<i>House</i>	<i>Total</i>
Days in session .....	167	133	..
Time in session .....	1,454 hrs. 05'	1,014 hrs. 39'	..
Congressional Record:			
Pages of proceedings .....	16,215	12,923	..
Extensions of Remarks .....	..	2,550	..
Public bills enacted into law .....	54	120	174
Private bills enacted into law .....	..	..	..
Bills in conference .....	22	8	..
Measures passed, total .....	590	674	1,264
Senate bills .....	183	59	..
House bills .....	134	286	..
Senate joint resolutions .....	5	3	..
House joint resolutions .....	15	20	..
Senate concurrent resolutions .....	37	8	..
House concurrent resolutions .....	33	77	..
Simple resolutions .....	183	221	..
Measures reported, total .....	*352	*375	*727
Senate bills .....	240	11	..
House bills .....	46	233	..
Senate joint resolutions .....	4	1	..
House joint resolutions .....	..	3	..
Senate concurrent resolutions .....	10	..	..
House concurrent resolutions .....	1	9	..
Simple resolutions .....	51	118	..
Special reports .....	18	6	..
Conference reports .....	3	24	..
Measures pending on calendar .....	153	78	..
Measures introduced, total .....	2,398	4,616	7,014
Bills .....	2,003	3,700	..
Joint resolutions .....	26	83	..
Concurrent resolutions .....	86	348	..
Simple resolutions .....	283	485	..
Quorum calls .....	3	2	..
Yea-and-nay votes .....	459	417	..
Recorded votes .....	..	258	..
Bills vetoed .....	..	..	..
Vetoes overridden .....	..	..	..

### DISPOSITION OF EXECUTIVE NOMINATIONS

January 7 through December 9, 2003

Civilian Nominations, totaling 600, disposed of as follows:	
Confirmed .....	378
Unconfirmed .....	195
Withdrawn .....	13
Returned to White House .....	14
Other Civilian Nominations, totaling 2,578, disposed of as follows:	
Confirmed .....	2,573
Unconfirmed .....	5
Air Force Nominations, totaling 9,068, disposed of as follows:	
Confirmed .....	5,494
Unconfirmed .....	3,572
Returned to White House .....	2
Army Nominations, totaling 6,012, disposed of as follows:	
Confirmed .....	5,416
Unconfirmed .....	594
Returned to White House .....	2
Navy Nominations, totaling 7,752, disposed of as follows:	
Confirmed .....	5,308
Unconfirmed .....	2,444
Marine Corps Nominations, totaling 2,413, disposed of as follows:	
Confirmed .....	2,411
Unconfirmed .....	2
<i>Summary</i>	
Total Nominations carried over from the First Session .....	0
Total Nominations Received this Session .....	28,423
Total Confirmed .....	21,580
Total Unconfirmed .....	6,812
Total Withdrawn .....	13
Total Returned to the White House .....	18

*Next Meeting of the SENATE*

12 noon, Tuesday, January 20, 2004

*Next Meeting of the HOUSE OF REPRESENTATIVES*

12 noon, Tuesday, January 20, 2004

## Senate Chamber

Program for Tuesday, January 20, 2004: Senate will resume consideration of the conference report to accompany H.R. 2673, Agriculture Appropriations Act (Omnibus Appropriations), with a vote on the motion to close further debate on the conference report to occur at 3 p.m.

*(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)*

## House Chamber

Program for Tuesday, January 20, 2004: Convening of the second session of the 108th Congress.

## Extensions of Remarks, as inserted in this issue

## HOUSE

Baca, Joe, Calif., E2557  
Bordallo, Madeleine Z., Guam, E2551, E2551, E2553,  
E2554, E2555  
Conyers, John, Jr., Mich., E2555

Frank, Barney, Mass., E2552, E2553  
Gibbons, Jim, Nev., E2553, E2555  
Hart, Melissa A., Pa., E2551, E2552  
Lampson, Nick, Tex., E2555  
Larson, John B., Conn., E2558, E2558, E2559  
Otter, C.L. "Butch", Idaho, E2557

Pelosi, Nancy, Calif., E2557  
Rodriguez, Ciro D., Tex., E2556  
Schiff, Adam B., Calif., E2551, E2552  
Waxman, Henry A., Calif., E2557  
Weldon, Curt, Pa., E2556  
Wolf, Frank R., Va., E2551



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