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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 7, 2002.

I hereby appoint the Honorable BRIAN D. KERNS to act as Speaker pro tempore on this day.

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

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 11 a.m. today.

Accordingly (at 9 o'clock and 32 minutes a.m.), the House stood in recess until 11 a.m.

□ 1100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. UPTON) at 11 a.m.

PRAYER

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

Lord, God, You guide all creation with providential care and establish an order that governs all the ages.

Hear our prayer and enlighten the Members of the 107th Congress of these United States throughout this week in their deliberations and decisions.

Make them strong in their convictions of human rights and in protecting this Nation.

Overall lead them by Your grace to be responsive to Your inspiration, and take responsible action in the cause of justice and truth.

May those who are at peace with one another hold fast to the good will that unites them.

May those who are enemies forget hatred and be healed; that the fruits of Your kingdom may fall upon the earth and take root in human hearts around the world, until there is true and lasting peace.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. BLUMENAUER led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5063, An act to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services.

The message also announced that the Senate has passed bills and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 1210. An act to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996.

S. 1806. An act to amend the Public Health Service Act with respect to health professionals programs regarding the practice of pharmacy.

S. 2064. An act to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes.

S. Con. Res. 139. Concurrent resolution expressing the sense of Congress that there should be established a National Minority Health and Health Disparities Month, and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 4, 2002.

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 October 4, 2002 at 10:18 a.m.

□ 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.

Printed on recycled paper.

That the Senate passed without amendment H. Con. Res. 388.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 3, 2002.

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 October 3, 2002 at 5:40 p.m.

That the Senate passed without amendment H. Con. Res. 112;

That the Senate agreed to conference report H.R. 2215.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution on Thursday, October 3, 2002:

H.J. Res. 112, making further continuing appropriations for the fiscal year 2003, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on motions to suspend the rules ordered prior to 6:30 p.m. today may be taken today. RECORD votes on remaining motions to suspend the rules will be taken tomorrow.

WASTEWATER TREATMENT WORKS SECURITY ACT OF 2002

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5169) to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works.

The Clerk read as follows:

H.R. 5169

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 ''Wastewater Treatment Works Security Act of 2002''.

SEC. 2. WASTEWATER TREATMENT WORKS SECURITY.

Title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) is amended by adding at the end the following:

''SEC. 222. WASTEWATER TREATMENT WORKS SECURITY.

''(a) GRANTS FOR VULNERABILITY ASSESSMENTS AND SECURITY ENHANCEMENTS.—The Administrator may make grants to a State, municipality, or intermunicipal or interstate agency—

''(1) to conduct a vulnerability assessment of a publicly owned treatment works;

''(2) to implement security enhancements listed in subsection (c)(1) to reduce vulnerabilities identified in a vulnerability assessment; and

''(3) to implement additional security enhancements to reduce vulnerabilities identified in a vulnerability assessment.

''(b) VULNERABILITY ASSESSMENTS.—

''(1) DEFINITION.—In this section, the term 'vulnerability assessment' means an assessment of the vulnerability of a treatment works to actions intended to—

''(A) substantially disrupt the ability of the treatment works to safely and reliably operate; or

''(B) have a substantial adverse effect on critical infrastructure, public health or safety, or the environment.

''(2) IDENTIFICATION OF METHODS TO REDUCE VULNERABILITIES.—A vulnerability assessment includes identification of procedures, countermeasures, and equipment that the treatment works can implement or utilize to reduce the identified vulnerabilities.

''(3) REVIEW.—A vulnerability assessment shall include a review of the vulnerability of the treatment work's—

''(A) facilities, systems, and devices used in the storage, treatment, recycling, or reclamation of municipal sewage or industrial wastes;

''(B) intercepting sewers, outfall sewers, sewage collection systems, and other constructed conveyances;

''(C) electronic, computer, and other automated systems;

''(D) pumping, power, and other equipment;

''(E) use, storage, and handling of various chemicals; and

''(F) operation and maintenance procedures.

''(c) GRANTS FOR SECURITY ENHANCEMENTS.—

''(1) PREAPPROVED SECURITY ENHANCEMENTS.—Upon certification by an applicant that the applicant has completed a vulnerability assessment for a treatment works and that the security enhancement for which assistance is sought is to reduce vulnerabilities of the treatment works identified in the assessment, the Administrator may make grants to the applicant under subsection (a)(2) for 1 or more of the following:

''(A) Purchase and installation of equipment for access control, intrusion prevention and delay, and detection of intruders and hazardous or dangerous substances, including—

''(i) barriers, fencing, and gates;

''(ii) security lighting and cameras;

''(iii) metal grates, wire mesh, and outfall entry barriers;

''(iv) securing of manhole covers and fill and vent pipes;

''(v) installation and re-keying of doors and locks; and

''(vi) smoke, chemical, and explosive mixture detection systems.

''(B) Security improvements to electronic, computer, or other automated systems and remote security systems, including controlling access to such systems, intrusion detection and prevention, and system backup.

''(C) Participation in training programs and the purchase of training manuals and guidance materials relating to security.

''(D) Security screening of employees or contractor support services.

''(2) ADDITIONAL SECURITY ENHANCEMENTS.—

''(A) GRANTS.—The Administrator may make grants under subsection (a)(3) to an applicant for additional security enhancements not listed in paragraph (1).

''(B) ELIGIBILITY.—To be eligible for a grant under this paragraph, an applicant shall submit an application to the Administrator containing such information as the Administrator may request.

''(3) LIMITATIONS.—

''(A) USE OF FUNDS.—Grants under subsections (a)(2) and (a)(3) may not be used for personnel costs or operation or maintenance of facilities, equipment, or systems.

''(B) DISCLOSURE OF VULNERABILITY ASSESSMENT.—As a condition of applying for or receiving a grant under this section, the Administrator may not require an applicant to provide the Administrator with a copy of a vulnerability assessment.

''(d) GRANT AMOUNTS.—

''(1) FEDERAL SHARE.—The Federal share of the cost of activities funded by a grant under subsection (a) may not exceed 75 percent.

''(2) MAXIMUM AMOUNT.—The total amount of grants made under subsections (a)(1) and (a)(2) for one publicly owned treatment works shall not exceed $150,000.

''(e) TECHNICAL ASSISTANCE FOR SMALL PUBLICLY OWNED TREATMENT WORKS.—

''(1) SECURITY ASSESSMENT AND PLANNING ASSISTANCE.—The Administrator, in coordination the States, may provide technical guidance and assistance to small publicly owned treatment works on conducting a vulnerability assessment and implementation of security enhancements to reduce vulnerabilities identified in a vulnerability assessment. Such assistance may include technical assistance programs, training, and preliminary engineering evaluations.

''(2) PARTICIPATION BY NONPROFIT ORGANIZATIONS.—The Administrator may make grants to nonprofit organizations to assist in accomplishing the purposes of this subsection.

''(3) SMALL PUBLICLY OWNED TREATMENT WORKS DEFINED.—In this subsection, the term 'small publicly owned treatment works' means a publicly owned treatment works that services a population of fewer than 20,000 persons.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator—

''(1) $200,000,000 for making grants under subsection (a); and

''(2) $15,000,000 for providing technical assistance under subsection (e).

Such sums shall remain available until expended.''.

SEC. 3. REFINEMENT OF VULNERABILITY ASSESSMENT METHODOLOGY FOR PUBLICLY OWNED TREATMENT WORKS.

(a) GRANTS.—The Administrator of the Environmental Protection Agency may make grants to a nonprofit organization for the improvement of vulnerability self-assessment methodologies and tools for publicly owned treatment works, including publicly owned treatment works that are part of a combined public wastewater treatment and water supply system.

(b) ELIGIBLE ACTIVITIES.—Grants provided under this section may be used for developing and distributing vulnerability self-assessment methodology software upgrades, improving and enhancing critical technical and user support functions, expanding libraries of information addressing both threats and countermeasures, and implementing user training initiatives. Such services shall be provided at no cost to recipients.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of the fiscal years 2003 through 2007. Such sums shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Oregon (Mr. DEFAZIO) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

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

Mr. Speaker, I rise in strong support of H.R. 5169, the Wastewater Treatment Works Security Act of 2002.

The terrorist attacks of September 11, 2001, made the identification and protection of critical infrastructure a national priority and taught our Nation to take a broader look at our vulnerabilities. A good deal of planning and protection of our Nation's crucial infrastructure is now under way as a result of those tragic events.

Only limited attention has been given to security issues associated with our Nation's wastewater treatment plants. Sewer pipes form a vast underground network that can provide a terrorist with access to many public buildings, metropolitan centers, private businesses, residential neighborhoods, military installations, transportation systems and urban centers.

A wastewater treatment system itself could also be a target of an attack, with significant public health and environmental impacts.

H.R. 5169 will help communities address these security concerns by authorizing $200 million for grants to wastewater utilities to conduct vulnerability assessments and implement security enhancements at their facilities, $15 million for technical assistance to small wastewater facilities on security measures, $5 million for the further development and refinement of vulnerability self-assessment methodologies and tools for use by wastewater facilities. These authorizations are designed to help wastewater treatment utilities take immediate and necessary steps to improve security at their facilities.

These authorizations do not create a new, ongoing infrastructure assistance program or create any new Federal mandates. I urge all Members to support this very bipartisan bill.

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

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the legislation.

Mr. Speaker, today I rise in support of H.R. 5169, the Wastewater Treatment Works Security Act of 2002. This is a bipartisan bill that would authorize $200 million in grants from the EPA to States and local government entities to conduct vulnerability assessments of wastewater treatment facilities and to take steps to reduce identified vulnerabilities. The legislation is similar to the approach taken for vulnerability assessments of drinking water facilities in the bioterrorism legislation signed into law earlier this summer.

Mr. Speaker, in the wake of September 11, we have learned that the Nation's wastewater treatment plants are potentially vulnerable to terrorist activities. Many plants have treatment redundancies, but, often, they have single points of failure. These plants, in addition to the possibility of disruption and environmental catastrophe, often use hazardous materials in the treatment process, and those things certainly also need to be safeguarded.

In order to alleviate these concerns, under H.R. 5169 the EPA would be authorized to provide grants for three purposes: conduct vulnerability assessments to publicly-owned treatment works; to implement certain pre-approved security enhancements that have been identified in a vulnerability assessment; and, three, to implement any other security enhancement measures identified in a vulnerability assessment.

This legislation would also authorize $15 million to provide technical assistance to small communities, those serving fewer than 20,000 individuals, and $1 million annually for 5 years development and dissemination of computer software, data and vulnerability assessment.

Finally, Mr. Speaker, the funding provisions for vulnerability assessments and security enhancements contained in this legislation have been drafted as an amendment to the Clean Water Act with the intent of ensuring that the Davis-Bacon Act would apply to any federally funded work that meets the definition of construction. This approach has been confirmed through staff conversations with representatives of the Environmental Protection Agency, and I certainly would urge my colleagues to support this legislation.

Mr. Speaker, we had also hoped to bring up under regular order other legislation which would go to the water infrastructure and economic security particularly of our Nation, the Water Resources Development Act of 2002. The bill itself is in pretty good form in terms of projects. Many Members have vital infrastructure projects included in that bill.

The bill did not, because of some controversy and concern on the committee, include any amendments to the current authority of the Corps of Engineers to conduct these projects and did not go to concerns a number of Members have regarding the need for independent peer review of projects and better cost benefit analyses.

That bill was scheduled to come up just prior to this legislation under suspension of the rules which would have been opposed on this side by the minority, and I am pleased to see that the bill has been pulled, but, hopefully, it has only been pulled to be brought up later in the week during regular order with amendments allowed from Members on this side of the aisle who have expressed concerns regarding, again, the peer review and independent analysis of projects.

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

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

Mr. DEFAZIO. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate my fellow Oregonian's courtesy in allowing me to speak on this; and I would rise first to express my appreciation for the leadership of our subcommittee, the gentleman from Tennessee (Mr. DUNCAN), the chairman, for the gentleman from Oregon (Mr. DEFAZIO), for work that has been done on our subcommittee this session.

This is important work, Mr. Speaker, dealing with the water resources of this country. The bill we have before us today, H.R. 5169, is an example of where we have been able to hone in on a problem to be able to deal with meaningful solutions, advance them in a bipartisan and expeditious fashion. I plan on supporting it today.

I wanted to add my voice here publicly on the floor to what I have said before our full committee and before the subcommittee, where I have expressed my appreciation for the way in which the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Oregon (Mr. DEFAZIO) have been able to bring together the disparate voices dealing with water resources. These are areas that are not without controversy. They are complex, they are expensive, and they touch the lives and livelihoods of virtually every family and every business in America. I think because of my colleagues' good work it has been given more of the attention that it deserves, not just in the aftermath of some horrendous tropical storm where maybe we have dodged a bullet or in the course of some sad scandal that appears in a newspaper where the process has broken down and it brings disrepute on our system here, and my colleagues have focused the attention of the subcommittee on how to fix the problem.

I am here today not just to support the bill and to thank them but to hope that the leadership of the full committee and of the House is mindful of what they have done, is mindful of the legislation that is in, if my colleagues will pardon the expression, the pipeline from the Subcommittee on Water Resources and Environment.

□ 1115

The most significant example of that is the Water Resources Development Act, which is 90 percent finished; and we were promised in subcommittee, at the staff level and at the full committee, an opportunity to bring these issues to the floor, to have a fair and honest debate and let the chips fall where they may.

Mr. Speaker, I am absolutely convinced that as a result of the record that the chairman and ranking member have compiled before our subcommittee, as a result of the hard work that has been done throughout the Congress and frankly in the outside world with our friends, not just in the environmental community, I have had these conversations with General Flowers since soon after his appointment, he too wants to change the way that business is done; he wants to make sure that we are respectful of the tax dollar and of the environmental concerns to bring forward a new era of water resources activities with the Corps of Engineers and with the Federal Government. But in order for that to happen, we have got to bring these issues to the floor, and we need to realign what Congress is doing.

I reject the notion that problems with water resources lie solely at the feet of the Corps of Engineers. There is over a 200-year history of that agency performing admirably. There have been problems. Some of the problems on the floor we are dealing with. Again we did this with our committee last session, dealing with the problems in the Everglades. But frankly we are putting $8.5 billion in the Everglades as a down payment to change some of what we did to it in the first place. We need to have this discussion. We need to bring the product of our subcommittee to the floor and be able to deal with these issues meaningfully and honestly.

It is time for Congress to get its act together, because frankly some of what people feel in some instances are scandals and problems with the Corps of Engineers I think are a result of past practices and the traditional cross-currents they face. In no small measure it is pressure from individual Members of Congress. We need to have this discussion here; we need to help the Corps of Engineers; we need to be part of the solution, not continuing to be part of the problem.

I conclude, Mr. Speaker, by expressing again my appreciation to the subcommittee chair and ranking member. I pledge my efforts to continue to work with them, with a group of Members of Congress who have organized the Corps Reform Caucus, to be able to make sure that this Congress does not adjourn without considering the fruits of their hard work. It is time to allow that on the floor. I look forward to working with them so that we can have other successes like we have here with H.R. 5169.

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

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

To conclude this, let me first of all just say that I would like to thank the gentleman from Oregon for his kind comments in regard to this legislation and the WRDA bill. Most of his concerns relate to the WRDA bill, the Water Resources Development Act, which was pulled; and it is still my hope that we can reach some type of consensus agreement on that bill before this session ends. There are very serious and heartfelt concerns that Chairman YOUNG has concerning that bill and we will have to see if those can be addressed. But certainly the gentleman from Oregon has been one of the most hardworking and dedicated members of our subcommittee, and I appreciate that very much.

Also, I want to thank Chairman YOUNG, ranking member OBERSTAR, and also the gentleman from Oregon (Mr. DEFAZIO) for their work on this legislation. This is an example of the bipartisan legislation of which our full committee is so proud. We have worked together to produce a very good bill, a very necessary bill that will help wastewater treatment facilities and municipalities and local governments all over this country. I think this is legislation that all of us can support.

Mr. Speaker, I urge the passage of this bill.

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

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 5169.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5169.

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

There was no objection.

MORTGAGE SERVICING CLARIFICATION ACT

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 163) to amend the Fair Debt Collection Practices Act to exempt mortgage servicers from certain requirements of the Act with respect to federally related mortgage loans secured by a first lien, and for other purposes, as amended.

The Clerk read as follows:

H.R. 163

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 ''Mortgage Servicing Clarification Act''.

SEC. 2. MORTGAGE SERVICING CLARIFICATION.

(a) IN GENERAL.—The Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.) is amended—

(1) by redesignating section 818 as section 819; and

(2) by inserting after section 817 the following new section:

''§ 818. Mortgage servicer exemption

''(a) EXEMPTION.—A covered mortgage servicer who, whether by assignment, sale or transfer, becomes the person responsible for servicing federally related mortgage loans secured by first liens that include loans that were in default at the time such person became responsible for the servicing of such federally related mortgage loans shall be exempt from the requirements of section 807(11) in connection with the collection of any debt arising from such defaulted federally related mortgage loans.

''(b) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) COVERED MORTGAGE SERVICER.—The term 'covered mortgage servicer' means any servicer of federally related mortgage loans –secured by first liens—

''(A) who is also debt collector; and

''(B) for whom the collection of delinquent debts is incidental to –the servicer's primary function of servicing current federally related –mortgage loans.

''(2) FEDERALLY RELATED MORTGAGE LOAN.—The term 'federally related mortgage loan' has the meaning given to such term in section 3(1) of the Real Estate Settlement Procedures Act of 1974, except that, for purposes of this section, such term includes only loans secured by first liens.

''(3) PERSON.—The term 'person' has the meaning given to such term in section 3(5) of the Real Estate Settlement Procedures Act of 1974.

''(4) SERVICER; SERVICING.—The terms 'servicer' and 'servicing' have the meanings given to such terms in section 6(i) of the Real Estate Settlement Procedures Act of 1974.''.

(b) CLERICAL AMENDMENT.—The table of sections for the Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.) is amended—

(1) by redesignating the item relating to section 818 as section 819; and

(2) by inserting after the item relating to section 817 the following new item:

''818. Mortgage servicer exemption.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from Texas (Mr. BENTSEN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROYCE).

GENERAL LEAVE

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

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

There was no objection.

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

I rise today in strong support of my bipartisan legislation, H.R. 163, the Mortgage Servicing Clarification Act. This carefully written legislation addresses a specific problem for consumers and businesses involved in the mortgage servicing industry by simply clarifying the existing law governing mortgage servicing. This uncontroversial bill enjoys the support

of 12 cosponsors, eight Democrats and four Republicans, and has been approved for consideration under the suspension of the rules by both the chairman and the ranking member of the Committee on Financial Services.

Mr. Speaker, I introduced this bill to fix a problem in the mortgage servicing industry which has hampered the ability of this industry to serve its clients effectively and to conduct its business efficiently for too long. Currently, when a mortgage servicing company acquires the rights to service a portfolio of home loans, it is exempt from the unnecessary strictures of the Fair Debt Collection Practices Act under the creditor exemption that was also extended to the originator of the mortgage.

The new mortgage servicer is extended this exemption because its relationship to the borrower is more like the relationship between a borrower and a lender than it is like the relationship between a borrower and a true collections agency. The law already recognizes this reality.

However, in the typical loan servicing portfolio transfer, a small percentage of the loans acquired by a new servicer will inevitably be delinquent or technically in default at the time of transfer. These loans are currently treated by the law as being subject to the Fair Debt Collection Practices Act; and subsequently the new servicers of these loans are required to provide certain form notices, known as Miranda warnings, to the borrower. The law also currently requires that in every subsequent contact, both written and oral, whether initiated by the servicer or the borrower, the servicer is required to provide a shorter, mini-Miranda notice disclosing that the communication is ''an attempt to collect a debt'' and that any information provided by the borrower will be used toward that end.

The purpose of these cookie-cutter warnings is to prevent unscrupulous debt collectors from using false or misleading tactics, such as a phony winning sweepstakes claim, to trick consumers into divulging private financial information or personal details like their home address or their home phone number. The Fair Debt Collection Practices Act has worked extremely well in preventing bad actors in the debt collection business from using lies and deceit to harm consumers, and this legislation would in no way prevent it from continuing to protect American consumers. However, as I have already mentioned, mortgage servicers are not like debt collectors. Their role to consumers is much more like that of a mortgage originator. And in the context of a mortgage servicing transfer, these Miranda notices are both detrimental to consumers and unnecessary and inefficient for mortgage servicers' operations.

First, the notice misleads the borrower about the nature of the relationship between him or her and the new servicer. Unlike true debt collectors, mortgage servicers have a long-term relationship with their client, and these harshly worded notices often have the effect of discouraging a borrower who is slightly late on a mortgage payment from contacting their new servicer for fear that the servicer is a true third-party debt collector. This ends up frustrating the servicer's efforts to work with delinquent borrowers on developing strategies to bring their loans current and keep their credit ratings intact. A mortgage servicer's biggest hurdle in helping delinquent borrowers to help themselves is getting them on the phone, and these threatening Miranda notices only contribute to that unnecessary fear without doing anything to help the borrower. Additionally, the information protected by the Miranda notice is information already in the servicer's possession, so nothing new is truly protected by requiring these additional legalistic and threatening notices be provided.

Finally, these warnings simply make consumers feel unnecessarily defensive and antagonistic toward their new servicer during the first step of their new association, which can have a chilling effect on the rest of their relationship. Mortgage servicers typically send these Miranda notices along with a new customer's welcome letter as required by the Real Estate Settlement Procedures Act, and this letter also includes important consumer information about the new servicer and the borrower's monthly payment arrangements. This preliminary contact is the first opportunity that a servicer has to create a positive relationship with a new client, and the harsh language used in the Miranda warning can create animosity between the servicer and the borrower where none need exist.

Additionally, because the mini-Miranda is required in all subsequent contacts, they can continue for decades, even after customers bring their loans current and keep them that way for years. H.R. 163 resolves this problem by creating a narrow exemption from Miranda notices for the servicers of federally related first lien mortgages whose primary function is servicing current loans, not collecting third-party debts. It exempts these servicers only from the Miranda notices, leaving all other borrower protections required by the Fair Debt Collection Practices Act in place.

This legislation is consistent with a longstanding recommendation from the Federal Trade Commission to improve the mortgage servicing process. I urge my colleagues on both sides of the aisle to support this bipartisan legislation to improve the mortgage servicing process for both the consumer and for the companies who serve them.

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

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

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

Mr. BENTSEN. Mr. Speaker, I rise today in strong support of H.R. 163, the Mortgage Servicing Clarification Act of 2002. As an original sponsor of the bill, along with the gentleman from California (Mr. ROYCE), I want to personally thank both the gentleman from Ohio (Mr. OXLEY) and the gentleman from New York (Mr. LAFALCE), chairman and ranking member of the Committee on Financial Services, for their support and help in bringing this bill before the House on an expedited basis. I believe that this technical bill is necessary in order to protect both consumers and mortgage servicers.

The Fair Debt Collection Practices Act of 1977 is a consumer protection statute which was established in order to protect consumers from deceptive and abusive practices by third-party debt collectors. Under the Fair Debt Collection Practices Act, debt collectors are required to give certain notices to debtors regarding the nature and amount of the delinquent debt. The original intent of this notice was to ensure that the debtor understood why the collector was calling and what was owed.

While I believe that both consumers and debt collectors have benefited from this law, it has proven cumbersome for mortgage servicers who do not necessarily seek to call the note or debt. Under the act, collection activities by the original creditors were generally exempt from the FDCPA; however, third parties such as debt collectors were generally considered to be covered and are required to provide such written or oral communications to consumers. These notifications are generally referred to as Miranda warnings to the consumers.

The reason for the bill before the House is to determine whether mortgage servicers would be considered as third parties.

□ 1130

In the mortgage market, mortgages are bought and sold on a regular basis in order to provide liquidity for lending and better rates for borrowers. In some cases originators will keep loans on their books but will decide to sell the servicing rights to other parties.

This legislation was developed in response to a growing concern that some mortgage servicers were unclear as of whether these transfers were covered by the FDCPA and what the appropriate communication should be between the mortgage servicer and the consumer. Under current law when a mortgage servicer acquires the right to service a loan, the mortgage servicer is generally exempt from complying with the FDCPA because the act extends the creditor's exemption to the new servicer. However, in a typical loan-servicing transfer, a certain percentage of loans will be delinquent or in default at the time of the transfer. Even with good due diligence by the mortgage servicer there is always a possibility that a person will be in default with

their mortgage at the time of the transfer.

H.R. 163 would resolve this problem by providing a narrow exemption from the FDCPA by clarifying that this exemption only applies to a mortgage servicer who acquires responsibility for servicing the mortgage by assignment, sale, or transfer. Under this exemption a mortgage servicer would not be required to provide a Miranda warning to those specified defaulted loans.

In addition, in order to protect consumers, this exemption only applies in those cases when the loan is actually in default at the time of the transfer. This means that the exemption is narrowly drawn so as to affect a small number of mortgages.

In addition, this bill ensures that this exemption only applies to collection activities in connection with these specified loans. As a result, a mortgage servicer cannot use his exemption with respect to other loans which may be in default after the transaction occurs.

I also want to point out that this legislation was modified from its original form to address every concern of consumer rights. As introduced, H.R. 163 would have provided an exemption for those mortgage servicers whose collection of delinquent debts is incidental to the servicer's primary function of servicing federally related mortgage loans.

It is interesting to note that this ''incidental to servicer's primary function'' was a suggestion by the Federal Trade Commission in order to clarify that mortgage servicers are exempt from the FDCPA. Both the 2000 and 2001 FTC annual report on the FDCPA include a legislative recommendation with this language.

After discussion with consumer groups and other public policy advocates, we determined that this exemption appeared overly broad and, as a result, we agreed to amend the bill to limit the exemption to only those loans which were delinquent at the time of transfer. This amendment will ensure that only a small number of loans will be covered by the exemption.

I also want to highlight that this bill does not provide an exemption from other substantive borrowers' rights. Rather, this exemption is narrowly drawn to apply only to the Miranda warning which third-party debt collectors are required to give to consumers.

This bipartisan legislation is supported by the Consumer Mortgage Coalition, the American Financial Services Association, the Mortgage Bankers Association, and the Financial Services Roundtable. I urge my colleagues to support the bill.

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

Mr. ROYCE. Mr. Speaker, I yield 5 minutes to the gentleman from Alabama (Mr. BACHUS), the distinguished chairman of the Subcommittee on Financial Institutions and Consumer Credit.

Mr. BACHUS. Mr. Speaker, this bill which the gentleman from California (Mr. ROYCE) has introduced has broad support and that is bipartisan support. It also has broad cosponsorship from both sides of the aisle. The bill has been modified from an earlier version which was in the 106th Congress to address concerns raised by consumer groups. Now the Consumer Mortgage Coalition has endorsed the bill, as has the American Financial Services Association and the Mortgage Banking Association. They all support this legislation.

The bill is drafted to be consistent with the previous recommendations by the Federal Trade Commission to apply the Fair Debt Collection Practices Act protections based on the nature of the overall business conducted by the party to be exempted, rather than the status of individual obligations when the party obtained them.

H.R. 163 is even narrower than the FTC recommendation. It only exempts mortgage servicers from the Miranda notices required by Section 8071 on original first lien Federal-backed mortgages. All other borrower protections provided by the Fair Debt Collection Practices Act remain in full force.

And, finally, just to show the bipartisan nature of this effort, I want to read to a letter, just a part of a letter, explaining why the Miranda warnings are clearly appropriate for third-party debt collection activities but that they actually put borrowers at greater risk in mortgage service transfers and impair the ability of the new mortgage servicer to establish a strong customer relationship. This letter is from the gentleman from Texas (Mr. BENTSEN), the gentleman from Connecticut (Mr. MALONEY), the gentleman from Pennsylvania (Mr. KANJORSKI), the gentlewoman from New York (Mrs. MALONEY), the gentleman from California (Mr. SHERMAN), the gentlewoman from Ohio (Mrs. JONES), the gentleman from Texas (Mr. GONZALEZ), the gentlewoman from Indiana (Ms. CARSON), the gentleman from Tennessee (Mr. FORD) and the gentleman from New York (Mr. MEEKS), all Democrats, all members of the Committee on Financial Services.

Here is what they say about the present state of the law and why this bill is needed. They gave three reasons.

One, the present Miranda notice misleads the borrower about the nature of the new servicer's relationship. The most important thing a delinquent mortgage borrower can do is call his or her servicer to discuss working out options. The harshly worded Miranda actually discourages borrowers from contacting their new servicer out of fear that the company is simply another debt collector.

Second reason, the notice ''protects borrowers from providing information that the mortgage servicer already has in its possession. Mortgage servicers already possess detailed information about the borrower in the loan files. There is no need for the servicer to engage in deceptive tactics to obtain information from the borrower.''

Third, the notice hurts customer relationships for the remaining term of the mortgage. The mini Miranda is required in all subsequent contacts with the borrower even after customers have brought their loans current and maintained them that way for years.

Let me simply close by saying that what this committee heard is, many times, a person's mortgage servicer would change. That mortgage would be assigned and that person would get a telephone call from someone who had to identify themselves as a debt collector. The mortgage might be up, it may be current. They would have to warn the person that they were trying to collect a debt and that they were a debt collector. In fact, what they were and, in fact, in reality they are, is they were the person's mortgage servicer, and as opposed to avoiding them, what you ought to be doing is talking with them, letting them answer questions and establishing a new relationship.

In the original act, I think it was inadvertent that these Miranda warnings were applied to someone servicing a person's mortgage. This legislation will go a long way towards clearing up this confusion and protecting people who have mortgages.

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

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

I thank my colleague from Texas (Mr. BENTSEN) who is the cosponsor of this legislation. I also want to thank the gentleman from Alabama (Mr. BACHUS), again, the chairman of the Subcommittee on Financial Institutions and Consumer Credit.

Mr. Speaker, I would just like to close by reiterating that this bill is a narrowly tailored bill that enjoys strong bipartisan support and the longtime support of the Federal Trade Commission. This legislation is a commonsense, consumer-friendly fix to the law, to the law that currently governs the mortgage servicing process that has been cleared for consideration under the suspension of the rules by both the gentleman from Ohio (Mr. OXLEY), chairman, and by the gentleman from New York (Mr. LAFALCE).

It does not sacrifice or alter any of the meaningful protections afforded to consumers by the Fair Debt Collection Practices Act. Rather than, it creates a narrow exemption for mortgage services whose primary function is servicing current mortgage loans, not the third-party collection of debt, from having to threaten their newest and most needy customers with a legalistic and misleading pro forma notice.

The law as it is currently written prevents these at-risk consumers from building strong relationships with their mortgage servicers, putting those consumers whose mortgages may be uncharacteristically later delinquent at the time that they are acquired at a distinct disadvantage. The exemption that this legislation creates is already

extended to mortgage originators and those loans that are current at the time they are acquired by a new servicer. This legislation simply recognizes that the relationship between a mortgage servicer and a customer more closely resembles the relationship between a mortgage originator and a consumer than the relationship between a consumer and a third-party debt collector.

So, Mr. Speaker, I urge all of my colleagues to stand up for consumers and help to increase the efficiency of the mortgage servicing industry by supporting this commonsense and bipartisan legislation.

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

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the bill, H.R. 163, as amended.

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

A motion to reconsider was laid on the table.

TRUTH IN LENDING INFLATION ADJUSTMENT ACT

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5507) to amend the Truth in Lending Act to adjust the exempt transactions amount for inflation.

The Clerk read as follows:

H.R. 5507

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 ''Truth in Lending Inflation Adjustment Act''.

SEC. 2. AMOUNTS OF EXEMPT TRANSACTIONS ADJUSTED FOR INFLATION.

(a) CREDIT TRANSACTIONS OTHER THAN MORTGAGES.—Section 104(3) of the Truth in Lending Act (15 U.S.C. 1603(4)) is amended by striking ''$25,000'' and inserting ''$75,000''.

(b) CONSUMER LEASES.—Section 181(1) of the Truth in Lending Act (15 U.S.C. 1667(1)) is amended by striking ''$25,000'' and inserting ''$75,000''.

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

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

GENERAL LEAVE

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

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

There was no objection.

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

I rise in strong support of H.R. 5507, the Truth in Lending Inflation Adjustment Act. This bill makes a very modest change in the Truth in Lending Act.

This legislation adjusts for inflation the dollar threshold for transactions that are exempt from the Truth in Lending Act. The Truth in Lending Act offers great protection to consumers and, under the current law, merchants need not comply with the Truth in Lending Act for credit and leasing transactions when the amount financed exceeds $25,000. Congress set this dollar amount at $25,000 in 1968, and in the last 34 years inflation has eroded the effectiveness of the Truth in Lending Act. This bill corrects that problem and ensures that the Truth in Lending Act will once again apply to most consumer credit and leasing transactions by raising that to $75,000.

This bill will not result in significant new costs to financial institutions and merchants because most financial institutions and merchants voluntarily comply with the requirements of the Truth in Lending Act even for transactions above the current threshold of $25,000.

Let me commend the gentleman from New York (Mr. LAFALCE), Member of the other party, for his sponsorship of this legislation.

I do want to again commend, as with the previous legislation, these two consumer protection items or pieces of legislation had broad bipartisan support, once again, just a demonstration of what this Congress can do when it puts aside its differences and works together in a bipartisan way.

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

□ 1145

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

Mr. Speaker, let me say at the outset that I am standing in for the gentleman from New York (Mr. LAFALCE), who is traveling in his district and could not get back here in time this morning for this bill. I have a statement that I will put into the RECORD that actually is a statement he would have made had he been here at this time.

Mr. Speaker, I rise in support of H.R. 5507, a bill to update and enhance an important consumer protection. In 1968, Congress enacted the Truth in Lending Act to ensure that consumers receive accurate and meaningful disclosure of the cost of consumer credit. Such disclosures enable American consumers to compare credit terms and make informed credit decisions.

Prior to 1968, consumers had no easy way to determine the true cost of their credit transactions, nor did they have a basis for comparing the various creditors in the marketplace. TILA addressed this problem by providing a standardized finance cost calculation, the annual percentage rate, or APR, and by requiring creditors to provide clear and accurate disclosures of all credit terms and costs. Over the past 30 years, however, key statutory protections and remedies stated in 1968 dollars have not been updated to reflect inflation and to provide comparable protections in today's dollars.

The bill we are considering today, H.R. 5507, though modest in scope, provides the first update of an important section of TILA in 34 years. This is clearly an overdue change in the law.

TILA protections apply to all credit transactions secured by home equity and other non-business consumer loans or leases under $25,000. In 1968, this $25,000 limit on unsecured credit and lease transactions was considered more than adequate to ensure that most automobile, credit card, and personal loan transactions would be covered.

This is clearly not the case today. It is now quite common for many non-mortgage credit transactions to exceed $25,000. H.R. 5507 ensures that TILA protections will continue to apply to most consumer credit and lease transactions by raising the statutory exemption from $25,000 to $75,000. By doing so, we are providing updated protections to consumers that will ensure that a broad range of transactions are covered by TILA.

Though I welcome the overdue change provided for in H.R. 5507, I would have preferred that the agreement we reached with my Republican colleagues on the Committee on Financial Services to schedule this bill would have also included other provisions from the broader TILA modernization bill, H.R. 1054, introduced by our colleague, the gentleman from New York (Mr. LAFALCE), the ranking member of the committee.

This comprehensive bill, which he introduced at the outset of the 107th Congress and is known as the Truth in Lending Modernization Act of 2001, amends TILA to restore important consumer protections that have been weakened by inflation. It also ensures that consumers benefit from advances in accounting technology and strengthens TILA's civil liability and rescission remedies.

But I am, nonetheless, very pleased that we were able to agree on bringing up H.R. 5507 to the House today, along with H.R. 163, a bill to amend the Fair Debt Collection Practices Act, and H.R. 4005, to make the District of Columbia and the U.S. Territories part of the ongoing commemorative quarters program.

Mr. Speaker, I urge support for this long overdue legislation.

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

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

Mr. Speaker, simply let me close by sort of reminiscing. If you think back to 1968, 1968 you could actually buy a two-bedroom home in the community I was raised in, a modest home, but you could buy a two-bedroom home in that community, for $25,000. Today, you

would be hard placed to buy that for $50,000 or even $75,000.

So this act that we do pass today and hopefully the Senate will take up and pass will extend those protections, which many lenders are presently voluntarily complying with. But the ones that are not are the ones we worry about.

I want to commend, again, the gentleman from New York (Mr. LAFALCE) and the gentleman from Texas (Mr. BENTSEN). The gentleman from Ohio (Chairman OXLEY), chairman of the Committee on Financial Services, and I both support this legislation. It is part of a package of three bills that will move through the House today: this bill; the Mortgage Servicing Clarification Act, which the gentleman from California (Mr. ROYCE) sponsored and we have just disposed of; and H.R. 4005, the District of Columbia and United States Territories Circulation Quarter Dollar Program Act, which will extend that program to the District of Columbia and the Territories.

On behalf of the gentleman from Ohio (Mr. OXLEY) and myself, I urge my colleagues to support all three of these bills.

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

The SPEAKER pro tempore (Mr. UPTON). The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 5507.

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

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 50 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1305

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ADERHOLT) at 1 o'clock and 5 minutes p.m.

REAFFIRMING REFERENCE TO ONE NATION UNDER GOD IN PLEDGE OF ALLEGIANCE

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass Senate bill (S. 2690) to reaffirm the reference to one Nation under God in the Pledge of Allegiance, as amended.

The Clerk read as follows:

S. 2690

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

SECTION 1. FINDINGS.

Congress finds the following:

(1) On November 11, 1620, prior to embarking for the shores of America, the Pilgrims signed the Mayflower Compact that declared: ''Having undertaken, for the Glory of God and the advancement of the Christian Faith and honor of our King and country, a voyage to plant the first colony in the northern parts of Virginia,''.

(2) On July 4, 1776, America's Founding Fathers, after appealing to the ''Laws of Nature, and of Nature's God'' to justify their separation from Great Britain, then declared: ''We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness''.

(3) In 1781, Thomas Jefferson, the author of the Declaration of Independence and later the Nation's third President, in his work titled ''Notes on the State of Virginia'' wrote: ''God who gave us life gave us liberty. And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the Gift of God. That they are not to be violated but with His wrath? Indeed, I tremble for my country when I reflect that God is just; that his justice cannot sleep forever.''.

(4) On May 14, 1787, George Washington, as President of the Constitutional Convention, rose to admonish and exhort the delegates and declared: ''If to please the people we offer what we ourselves disapprove, how can we afterward defend our work? Let us raise a standard to which the wise and the honest can repair; the event is in the hand of God!''.

(5) On July 21, 1789, on the same day that it approved the Establishment Clause concerning religion, the First Congress of the United States also passed the Northwest Ordinance, providing for a territorial government for lands northwest of the Ohio River, which declared: ''Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.''.

(6) On September 25, 1789, the First Congress unanimously approved a resolution calling on President George Washington to proclaim a National Day of Thanksgiving for the people of the United States by declaring, ''a day of public thanksgiving and prayer, to be observed by acknowledging, with grateful hearts, the many signal favors of Almighty God, especially by affording them an opportunity peaceably to establish a constitution of government for their safety and happiness.''.

(7) On November 19, 1863, President Abraham Lincoln delivered his Gettysburg Address on the site of the battle and declared: ''It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this Nation, under God, shall have a new birth of freedom—and that Government of the people, by the people, for the people, shall not perish from the earth.''.

(8) On April 28, 1952, in the decision of the Supreme Court of the United States in Zorach v. Clauson, 343 U.S. 306 (1952), in which school children were allowed to be excused from public schools for religious observances and education, Justice William O. Douglas, in writing for the Court stated: ''The First Amendment, however, does not say that in every and all respects there shall be a separation of Church and State. Rather, it studiously defines the manner, the specific ways, in which there shall be no concern or union or dependency one on the other. That is the common sense of the matter. Otherwise the State and religion would be aliens to each other—hostile, suspicious, and even unfriendly. Churches could not be required to pay even property taxes. Municipalities would not be permitted to render police or fire protection to religious groups. Policemen who helped parishioners into their places of worship would violate the Constitution. Prayers in our legislative halls; the appeals to the Almighty in the messages of the Chief Executive; the proclamations making Thanksgiving Day a holiday; 'so help me God' in our courtroom oaths—these and all other references to the Almighty that run through our laws, our public rituals, our ceremonies would be flouting the First Amendment. A fastidious atheist or agnostic could even object to the supplication with which the Court opens each session: 'God save the United States and this Honorable Court.' ''.

(9) On June 15, 1954, Congress passed and President Eisenhower signed into law a statute that was clearly consistent with the text and intent of the Constitution of the United States, that amended the Pledge of Allegiance to read: ''I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.'';

(10) On July 20, 1956, Congress proclaimed that the national motto of the United States is ''In God We Trust'', and that motto is inscribed above the main door of the Senate, behind the Chair of the Speaker of the House of Representatives, and on the currency of the United States.

(11) On June 17, 1963, in the decision of the Supreme Court of the United States in Abington School District v. Schempp, 374 U.S. 203 (1963), in which compulsory school prayer was held unconstitutional, Justices Goldberg and Harlan, concurring in the decision, stated: ''But untutored devotion to the concept of neutrality can lead to invocation or approval of results which partake not simply of that noninterference and noninvolvement with the religious which the Constitution commands, but of a brooding and pervasive devotion to the secular and a passive, or even active, hostility to the religious. Such results are not only not compelled by the Constitution, but, it seems to me, are prohibited by it. Neither government nor this Court can or should ignore the significance of the fact that a vast portion of our people believe in and worship God and that many of our legal, political, and personal values derive historically from religious teachings. Government must inevitably take cognizance of the existence of religion and, indeed, under certain circumstances the First Amendment may require that it do so.''.

(12) On March 5, 1984, in the decision of the Supreme Court of the United States in Lynch v. Donelly, 465 U.S. 668 (1984), in which a city government's display of a nativity scene was held to be constitutional, Chief Justice Burger, writing for the Court, stated: ''There is an unbroken history of official acknowledgment by all three branches of government of the role of religion in American life from at least 1789 . . . [E]xamples of reference to our religious heritage are found in the statutorily prescribed national motto 'In God We Trust' (36 U.S.C. 186), which Congress and the President mandated for our currency, see (31 U.S.C. 5112(d)(1) (1982 ed.)), and in the language 'One Nation under God', as part of the Pledge of Allegiance to the American flag. That pledge is recited by many thousands of public school children—and adults—every year . . . Art galleries supported by public revenues display religious paintings of the 15th and 16th centuries, predominantly inspired by one religious faith. The National Gallery in Washington, maintained with Government support, for example, has long exhibited masterpieces with religious messages, notably the Last Supper, and paintings depicting the Birth of Christ, the Crucifixion, and the Resurrection, among many others with explicit Christian themes and messages. The very chamber in which oral arguments on this case were heard is decorated with a notable and permanent—not seasonal—symbol of religion: Moses with the Ten Commandments.

Congress has long provided chapels in the Capitol for religious worship and meditation.''.

(13) On June 4, 1985, in the decision of the Supreme Court of the United States in Wallace v. Jaffree, 472 U.S. 38 (1985), in which a mandatory moment of silence to be used for meditation or voluntary prayer was held unconstitutional, Justice O'Connor, concurring in the judgment and addressing the contention that the Court's holding would render the Pledge of Allegiance unconstitutional because Congress amended it in 1954 to add the words ''under God,'' stated ''In my view, the words 'under God' in the Pledge, as codified at (36 U.S.C. 172), serve as an acknowledgment of religion with 'the legitimate secular purposes of solemnizing public occasions, [and] expressing confidence in the future.' '.

(14) On November 20, 1992, the United States Court of Appeals for the 7th Circuit, in Sherman v. Community Consolidated School District 21, 980 F.2d 437 (7th Cir. 1992), held that a school district's policy for voluntary recitation of the Pledge of Allegiance including the words ''under God'' was constitutional.

(15) The 9th Circuit Court of Appeals erroneously held, in Newdow v. U.S. Congress, (9th Cir. June 26, 2002) that the Pledge of Allegiance's use of the express religious reference ''under God'' violates the First Amendment to the Constitution, and that, therefore, a school district's policy and practice of teacher-led voluntary recitations of the Pledge of Allegiance is unconstitutional.

(16) The erroneous rationale of the 9th Circuit Court of Appeals in Newdow would lead to the absurd result that the Constitution's use of the express religious reference ''Year of our Lord'' in Article VII violates the First Amendment to the Constitution, and that, therefore, a school district's policy and practice of teacher-led voluntary recitations of the Constitution itself would be unconstitutional.

SEC. 2. ONE NATION UNDER GOD.

(a) REAFFIRMATION.—Section 4 of title 4, United States Code, is amended to read as follows:

''§ 4. Pledge of allegiance to the flag; manner of delivery

''The Pledge of Allegiance to the Flag: 'I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.', should be rendered by standing at attention facing the flag with the right hand over the heart. When not in uniform men should remove any non-religious headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should remain silent, face the flag, and render the military salute.''.

(b) CODIFICATION.—In codifying this subsection, the Office of the Law Revision Counsel shall show in the historical and statutory notes that the 107th Congress reaffirmed the exact language that has appeared in the Pledge for decades.

SEC. 3. REAFFIRMING THAT GOD REMAINS IN OUR MOTTO.

(a) REAFFIRMATION.—Section 302 of title 36, United States Code, is amended to read as follows:

''§ 302. National motto

'' 'In God we trust' is the national motto.''.

(b) CODIFICATION.—In codifying this subsection, the Office of the Law Revision Counsel shall make no change in section 302, title 36, United States Code, but shall show in the historical and statutory notes that the 107th Congress reaffirmed the exact language that has appeared in the Motto for decades.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 2690, the Senate bill currently under consideration.

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

There was no objection.

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

Mr. Speaker, Senate 2690 would amend section 4 of title 4 of the U.S. Code to reaffirm the text of the Pledge of Allegiance, including the phrase, ''one Nation under God,'' and section 302 of title 36 to reaffirm the text of the national motto, ''In God we trust.''

It is an accepted legal principle that government acknowledgment of the religious heritage of the United States is consistent with the meaning of the establishment clause of the first amendment. The U.S. Supreme Court has repeatedly affirmed this principle in its rulings.

Yet, on June 26, 2002, a three-member panel of the United States Court of Appeals for the Ninth Circuit held unconstitutional, in Newdow v. U.S. Congress, a California school district's policy and practice of teacher-led voluntarily recitation of the Pledge of Allegiance, concluding that the use of the phrase ''one Nation under God'' violates the establishment clause of the first amendment.

The Newdow ruling is troubling because its analysis to reflect a belief that any religious reference presents an inherent danger to individuals who hear it, the result of which would be the banishment of all such references from the public arena. Clearly, this is inconsistent with any reasonable interpretation of the establishment clause of the first amendment. Thus, it has become necessary for Congress to reaffirm its understanding that the text of both the Pledge and our national motto are legally and historically consistent with a reasonable interpretation of the first amendment.

Immediately following the Newdow ruling, on June 27, 2002, the House of Representatives passed House Resolution 459, which I introduced, expressing the sense of the House that the Newdow case was erroneously decided by the Ninth Circuit and that the court should agree to rehear the ruling en banc. H. Res. 459 passed the House of Representatives by a 416–3 vote.

By passing Senate 2690, the House will join the Senate in reaffirming its commitment to our Nation's pledge and motto and also reaffirm that the myriad of ways in which Federal, State and local governments acknowledge America's religious heritage and its consistency with both historical practice and legal precedent.

I urge Members to support this legislation.

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

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

Mr. Speaker, I come from a State that has a long tradition in supporting religious freedom. In fact, it was Thomas Jefferson of Virginia who wrote the Virginia Statute for Religious Freedom which precedes the first amendment of the Constitution.

Today's exercise is totally gratuitous, as nothing we do here will change the underlying law. This is because we are dealing with constitutional issues that cannot be altered by statute. If the Judicial branch ultimately finds the Pledge or the national motto to be constitutional, then nothing needs to be done. If, on the other hand, the courts ultimately find either to be unconstitutional, no law that we pass will change that.

Although I tend to agree with the dissent in the Newdow case regarding the Pledge of Allegiance, I believe the reasoning of the majority opinion in that case was sound. In that case the Supreme Court applied three different tests that have been applied in the last 50 years in evaluating the establishment clause cases.

One test was whether the phrase ''under God'' in the Pledge constitutes an endorsement of religion. The majority opinion says it was an endorsement of one view of religion, monotheism and, therefore, was an unconstitutional endorsement.

Another test was whether the individuals were coerced into being exposed to the religious message, and the majority opinion concluded that the Pledge was unconstitutional because young children ''may not be placed in the dilemma of either participating in a religious ceremony or protesting.''

Finally, the court applied the Lemon test, part of which holds that a law violates the establishment clause if it has no secular or nonreligious purpose. For example, cases involving a moment of silence in public schools, some of those laws have been upheld if the law allows silent prayer as one of the many activities that can be done in silence. But courts have stricken laws in which a moment of silent prayer is added to existing moments of silence because that law has no secular purpose.

The court concluded that the 1954 law which added ''under God'' to the existing Pledge had no secular purpose and, therefore, was unconstitutional.

Mr. Speaker, I indicated that I tended to agree with the dissent in the case. The operative language in the dissent which persuaded me was, ''Legal world abstractions and ruminations aside, when all is said and done, the danger that 'under God' in our Pledge of Allegiance will tend to bring about a theocracy or suppress someone's belief is so minuscule as to be de minimis. The danger that phrase represents to our first amendment's freedoms is picayune at best.''

Mr. Speaker, unfortunately, our actions today may cause the courts to review the sentiments behind ''one Nation under God'' or ''In God We Trust'' because if the courts look at the importance that we apparently affix to ''one Nation under God'' or ''In God We Trust,'' then it diminishes the argument that the phrase has de minimis meaning and increases the constitutional vulnerability of the use of that phrase in the Pledge.

Furthermore, the court may look at the legislation under the Lemon test and find that this exercise has no secular purpose and is, therefore, unconstitutional. The section of bill referring to ''In God We Trust'' as the national motto appears to be vulnerable to the same constitutional attack as the phrase ''under God'' in the Pledge. Those attacks gain validity because of our actions today.

Mr. Speaker, let me just close with a quote from an editorial that appeared in the Christian Century, a non-denominational Protestant weekly, which a good friend was kind enough to send me. It reads, ''To the extent 'under God' has real religious meaning, then it is unconstitutional. The phrase is constitutional to the extent that it is religiously innocuous. Given that choice, we side with the Ninth Circuit. We see no need, especially for Christians, to defend hollow references to an innocuous God.'' For those reasons, I urge Members to oppose this legislation.

Mr. SHOWS. Mr. Speaker, in 1776 the great American patriot Thomas Paine wrote, ''These are the times that try men's souls.''

But right now we are living in times that try men's souls. These are times when our faith is being tested as never before.

Even as we contend with the aftermath of the September 11th attacks, three judges in California decide that our Pledge of Allegiance is unconstitutional because it includes the words, ''Under God.''

The values we teach at home and church are universal and should not be left outside the schoolhouse door, or outside of where we work and play every day.

''One Nation Under God'' is the foundation of our Pledge of Allegiance. ''In God We Trust'' is our national motto and should be engraved in our national conscience. I am not afraid to say, ''In God We Trust'' wherever and whenever I want. All Americans should have that right.

My father, Clifford Shows, was one of those captured as a Prisoner of War at the Battle of the Bulge in World War II. He stands tall when our Flag is displayed. There is nothing more un-American than denying our children the right to honor the symbol of the very freedom we all enjoy today.

The California court ruling flies in the face of every veteran who sacrificed his or her life to protect this nation. The Court's ruling was a disgrace and our people deserve better.

In the 106th Congress I introduced a resolution that encourages ''In God We Trust'' to be posted prominently in all public and government buildings, just like it is in my own office, right next to the Ten Commandments.

I wrote this bipartisan resolution with the direct assistance of the Reverend Donald Wildmon of the American Family Association. And I re-introduced it as H. Res. 15 on the first day of the 107th Congress.

This issue is too important to let partisan politics get in the way, and I am happy that we are today considering a measure that reiterates the importance of our National Motto, and the presence of God in our lives.

Let's adopt an ''In God We Trust'' resolution today—for our families and for our nation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the Senate bill, S. 2690, as amended.

The question was taken.

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

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1315

FEDERAL AGENCY PROTECTION OF PRIVACY ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4561) to amend title 5, United States Code, to require that agencies, in promulgating rules, take into consideration the impact of such rules on the privacy of individuals, and for other purposes.

The Clerk read as follows:

H.R. 4561

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 Agency Protection of Privacy Act''.

SEC. 2. REQUIREMENT THAT AGENCY RULEMAKING TAKE INTO CONSIDERATION IMPACTS ON INDIVIDUAL PRIVACY.

(a) IN GENERAL.—Title 5, United States Code, is amended by adding after section 553 the following new section:

''§ 553a. Privacy impact analysis in rulemaking

''(a) INITIAL PRIVACY IMPACT ANALYSIS.—

''(1) IN GENERAL.—Whenever an agency is required by section 553 of this title, or any other law, to publish a general notice of proposed rulemaking for any proposed rule, or publishes a notice of proposed rulemaking for an interpretative rule involving the internal revenue laws of the United States, the agency shall prepare and make available for public comment an initial privacy impact analysis. Such analysis shall describe the impact of the proposed rule on the privacy of individuals. The initial privacy impact analysis or a summary shall be signed by the senior agency official with primary responsibility for privacy policy and be published in the Federal Register at the time of the publication of a general notice of proposed rulemaking for the rule.

''(2) CONTENTS.—Each initial privacy impact analysis required under this subsection shall contain the following:

''(A) A description and assessment of the extent to which the proposed rule will impact the privacy interests of individuals, including the extent to which the proposed rule—

''(i) provides notice of the collection of personally identifiable information, and specifies what personally identifiable information is to be collected and how it is to be collected, maintained, used, and disclosed;

''(ii) allows access to such information by the person to whom the personally identifiable information pertains and provides an opportunity to correct inaccuracies;

''(iii) prevents such information, which is collected for one purpose, from being used for another purpose; and

''(iv) provides security for such information.

''(B) A description of any significant alternatives to the proposed rule which accomplish the stated objectives of applicable statutes and which minimize any significant privacy impact of the proposed rule on individuals.

''(b) FINAL PRIVACY IMPACT ANALYSIS.—

''(1) IN GENERAL.—Whenever an agency promulgates a final rule under section 553 of this title, after being required by that section or any other law to publish a general notice of proposed rulemaking, or promulgates a final interpretative rule involving the internal revenue laws of the United States, the agency shall prepare a final privacy impact analysis, signed by the senior agency official with primary responsibility for privacy policy.

''(2) CONTENTS.—Each final privacy impact analysis required under this subsection shall contain the following:

''(A) A description and assessment of the extent to which the final rule will impact the privacy interests of individuals, including the extent to which the proposed rule—

''(i) provides notice of the collection of personally identifiable information, and specifies what personally identifiable information is to be collected and how it is to be collected, maintained, used, and disclosed;

''(ii) allows access to such information by the person to whom the personally identifiable information pertains and provides an opportunity to correct inaccuracies;

''(iii) prevents such information, which is collected for one purpose, from being used for another purpose; and

''(iv) provides security for such information.

''(B) A summary of the significant issues raised by the public comments in response to the initial privacy impact analysis, a summary of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such issues.

''(C) A description of the steps the agency has taken to minimize the significant privacy impact on individuals consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the privacy interests of individuals was rejected.

''(3) AVAILABILITY TO PUBLIC.—The agency shall make copies of the final privacy impact analysis available to members of the public and shall publish in the Federal Register such analysis or a summary thereof.

''(c) PROCEDURE FOR WAIVER OR DELAY OF COMPLETION.—An agency head may waive or delay the completion of some or all of the requirements of subsections (a) and (b) to the same extent as the agency head may, under section 608, waive or delay the completion of some or all of the requirements of sections 603 and 604, respectively.

''(d) PROCEDURES FOR GATHERING COMMENTS.—When any rule is promulgated which may have a significant privacy impact on individuals, or a privacy impact on a substantial number of individuals, the head of the agency promulgating the rule or the official of the agency with statutory responsibility for the promulgation of the rule shall assure that individuals have been given an opportunity to participate in the rulemaking for the rule through techniques such as—

''(1) the inclusion in an advance notice of proposed rulemaking, if issued, of a statement that the proposed rule may have a significant privacy impact on individuals, or a privacy impact on a substantial number of individuals;

''(2) the publication of a general notice of proposed rulemaking in publications of national circulation likely to be obtained by individuals;

''(3) the direct notification of interested individuals;

''(4) the conduct of open conferences or public hearings concerning the rule for individuals, including soliciting and receiving comments over computer networks; and

''(5) the adoption or modification of agency procedural rules to reduce the cost or complexity of participation in the rulemaking by individuals.

''(e) PERIODIC REVIEW OF RULES.—

''(1) IN GENERAL.—Each agency shall carry out a periodic review of the rules promulgated by the agency that have a significant privacy impact on individuals, or a privacy impact on a substantial number of individuals. Under such periodic review, the agency shall determine, for each such rule, whether the rule can be amended or rescinded in a manner that minimizes any such impact while remaining in accordance with applicable statutes. For each such determination, the agency shall consider the following factors:

''(A) The continued need for the rule.

''(B) The nature of complaints or comments received from the public concerning the rule.

''(C) The complexity of the rule.

''(D) The extent to which the rule overlaps, duplicates, or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules.

''(E) The length of time since the rule was last reviewed under this subsection.

''(F) The degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since the rule was last reviewed under this subsection.

''(2) PLAN REQUIRED.—Each agency shall carry out the periodic review required by paragraph (1) in accordance with a plan published by such agency in the Federal Register. Each such plan shall provide for the review under this subsection of each rule promulgated by the agency not later than 10 years after the date on which such rule was published as the final rule and, thereafter, not later than 10 years after the date on which such rule was last reviewed under this subsection. The agency may amend such plan at any time by publishing the revision in the Federal Register.

''(3) ANNUAL PUBLICATION.—Each year, each agency shall publish in the Federal Register a list of the rules to be reviewed by such agency under this subsection during the following year. The list shall include a brief description of each such rule and the need for and legal basis of such rule and shall invite public comment upon the determination to be made under this subsection with respect to such rule.

''(f) JUDICIAL REVIEW.—

''(1) IN GENERAL.—For any rule subject to this section, an individual who is adversely affected or aggrieved by final agency action is entitled to judicial review of agency compliance with the requirements of subsections (b) and (c) in accordance with chapter 7. Agency compliance with subsection (d) shall be judicially reviewable in connection with judicial review of subsection (b).

''(2) JURISDICTION.—Each court having jurisdiction to review such rule for compliance with section 553, or under any other provision of law, shall have jurisdiction to review any claims of noncompliance with subsections (b) and (c) in accordance with chapter 7. Agency compliance with subsection (d) shall be judicially reviewable in connection with judicial review of subsection (b).

''(3) LIMITATIONS.—

''(A) An individual may seek such review during the period beginning on the date of final agency action and ending 1 year later, except that where a provision of law requires that an action challenging a final agency action be commenced before the expiration of 1 year, such lesser period shall apply to an action for judicial review under this subsection.

''(B) In the case where an agency delays the issuance of a final privacy impact analysis pursuant to subsection (c), an action for judicial review under this section shall be filed not later than—

''(i) 1 year after the date the analysis is made available to the public; or

''(ii) where a provision of law requires that an action challenging a final agency regulation be commenced before the expiration of the 1-year period, the number of days specified in such provision of law that is after the date the analysis is made available to the public.

''(4) RELIEF.—In granting any relief in an action under this subsection, the court shall order the agency to take corrective action consistent with this section and chapter 7, including, but not limited to—

''(A) remanding the rule to the agency; and

''(B) deferring the enforcement of the rule against individuals, unless the court finds that continued enforcement of the rule is in the public interest.

''(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of any court to stay the effective date of any rule or provision thereof under any other provision of law or to grant any other relief in addition to the requirements of this subsection.

''(6) RECORD OF AGENCY ACTION.—In an action for the judicial review of a rule, the privacy impact analysis for such rule, including an analysis prepared or corrected pursuant to paragraph (4), shall constitute part of the entire record of agency action in connection with such review.

''(7) EXCLUSIVITY.—Compliance or noncompliance by an agency with the provisions of this section shall be subject to judicial review only in accordance with this subsection.

''(8) SAVINGS CLAUSE.—Nothing in this subsection bars judicial review of any other impact statement or similar analysis required by any other law if judicial review of such statement or analysis is otherwise permitted by law.

''(g) DEFINITION.—For purposes of this section, the term 'personally identifiable information' means information that can be used to identify an individual, including such individual's name, address, telephone number, photograph, social security number or other identifying information. It includes information about such individual's medical or financial condition.''.

(b) PERIODIC REVIEW TRANSITION PROVISIONS.—

(1) INITIAL PLAN.—For each agency, the plan required by subsection (e) of section 553a of title 5, United States Code (as added by subsection (a)), shall be published not later than 180 days after the date of the enactment of this Act.

(2) In the case of a rule promulgated by an agency before the date of the enactment of this Act, such plan shall provide for the periodic review of such rule before the expiration of the 10-year period beginning on the date of the enctment of this Act. For any such rule, the head of the agency may provide for a 1-year extension of such period if the head of the agency, before the expiration of the period, certifies in a statement published in the Federal Register that reviewing such rule before the expiration of the period is not feasible. The head of the agency may provide for additional 1-year extensions of the period pursuant to the preceding sentence, but in no event may the period exceed 15 years.

(c) CONGRESSIONAL REVIEW.—Section 801(a)(1)(B) of title 5, United States Code, is amended—

(1) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively; and

(2) by inserting after clause (ii) the following new clause:

''(iii) the agency's actions relevant to section 553a;''.

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 5, United States Code, is amended by adding after the item relating to section 553 the following new item:

''553a. Privacy impact analysis in rulemaking.''.

The SPEAKER pro tempore (Mr. ADERHOLT). Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 4561, the Federal Agency Protection of Privacy Act. Throughout my tenure as chairman of the Committee on the Judiciary, I have worked to strike a proper balance between laws designed to preserve the safety and security of Americans and those which needlessly compromise our civil liberties. The Federal Agency Protection of Privacy Act helps preserve this balance.

H.R. 4561 requires that rules noticed by Federal agencies for public comment under the Administrative Procedure Act be accompanied by an initial

privacy impact assessment which explains how the proposed rule will affect personal privacy. The issuing agency would then receive public views on the privacy impact of the proposed rule and issue a final privacy impact analysis which explains how the Federal agency will obtain, utilize, and safeguard personally identifiable information.

Importantly, the bill contains a judicial review provision to ensure that Federal agencies adhere to its requirements. In this respect H.R. 4561 mirrors regulatory enhancements to the Regulatory Flexibility Act, which require Federal agencies to consider the potential impact of proposed legislation and regulations on small businesses. Furthermore, unlike existing Federal statutes which protect against the unauthorized disclosure of personal information obtained by the Federal Government, the Federal Agency Protection of Privacy Act prospectively ensures that Federal agencies consider the privacy impact of proposed rules before they become binding Federal regulations.

This bill reflects a spirit of commitment to privacy rights by providing the American public a mechanism which simply requires an agency to give advanced notice and opportunity to comment on how rules issued by Federal agencies will affect their personal privacy. As such, it reaffirms our fidelity to the fundamental civil liberties cherished by all Americans.

Mr. Speaker, this measure enjoys broad bipartisan support on the Committee on the Judiciary and is endorsed by as diverse a group of organizations ranging from the American Civil Liberties Union to the National Rifle Association. I urge my colleagues to support the bill.

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

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

I rise in support of H.R. 4561, the Federal Agency Protection of Privacy Act. I believe this legislation will improve the regulatory process and protect Americans from unjustified or unintended invasions of privacy. Individuals are required to provide detailed personal information while conducting a variety of everyday activities including credit card purchases, Internet usage, medical care, financial transactions, and the delivery of basic government services. Public transmission of this information further heightens the potential of identity fraud, a growing problem which impacted more than 700,000 Americans last year.

While the Identity Theft and Assumption Deterrence Act of 1988 was enacted to address this problem, the FBI stated that identity theft remains America's fastest-growing white collar crime. Under this legislation, Federal agencies must consider the impact of proposed regulations on individual privacy. They will be required to include an initial privacy impact analysis with proposed regulations that are circulated for public notice and final privacy impact analysis that describes the steps that were taken to minimize the significant privacy impact of proposed regulations and justifies any alternative with respect to privacy that was chosen by the agency. In addition, the bill provides judicial review of the adequacy of an agency's final privacy impact, similar to that provided by the Regulatory Flexibility Act for small businesses. Essentially, the bill requires agencies to take responsibility for privacy concerns of individual citizens.

At a time when identity theft and misuse of personal information is rampant, increasing this bill will go a long way in protecting the American citizens from victimization. That is why it is supported by broad bipartisan, diverse political and philosophical organizations, such as the ones the chairman mentioned. I support the legislation and strongly urge my colleagues to support it.

Mr. BARR of Georgia. Mr. Speaker, on April 21, 2002, I introduced H.R. 4561, the ''Federal Agency Protection of Privacy Act.'' I was pleased to be joined by several cosponsors on the Subcommittee on Commercial and Administrative Law, including the distinguished Ranking Member MEL WATT, and Representatives CHABOT, GEKAS, NADLER, and GREEN. Since its introduction, the bill has garnered the support of an additional 37 members of Congress, including Judiciary Committee Chairman F. JAMES SENSENBRENNER, JR., Ranking Member JOHN CONYERS, and several other distinguished members of Congress.

It is clear that this bill's many cosponsors do not agree on every issue. In fact, many observers have been particularly impressed by the political diversity of its legislative sponsors. The same can be said of the bill's noncongressional supporters, which include groups ranging from the National Rifle Association to the Electronic Privacy Information Center—from the Eagle Forum to the American Civil Liberties Union.

Supporters share a commitment to protecting the privacy cherished by American citizens—a value increasingly imperiled in an information age in which personal information is captured and compiled, manipulated and misused, bought and sold in ways unimagined just a few years ago. The sphere of privacy, which Justice Brandeis eloquently described as the ''right to be let alone,'' is not only rapidly diminishing, it is increasingly penetrable. Special care is necessary to ensure that personal information remains personal, absent a sound reason to treat it otherwise.

This value is neither Republican or Democratic; liberal or conservative, it is an American value.

The Federal Agency Protection of Privacy Act takes the first—necessary—step toward protecting the privacy of information collected by the federal government, by requiring that rules noticed for public comment by federal agencies be accompanied by an assessment of the rule's impact on personal privacy interests, including the extent to which the proposed rule provides notice of the collection of personally identifiable information, what information will be obtained, and how this informational will be collected, protected, maintained, used and disclosed.

H.R. 4561 further provides that final rules be accompanied by a final privacy impact analysis, which indicates how the issuing agency considered and responded to privacy concerns raised by the public, and explains whether the agency could have taken an approach less burdensome to personal privacy.

Unlike existing laws protecting against the disclosure of information already obtained by the federal government, the Federal Agency Protection of Privacy Act provides prospective notice of a proposed rule's effect on privacy before it becomes a binding regulation.

While some have decried the loss of personal privacy by private companies, it must be emphasized government alone has the authority to compel the disclosure of personal information; and unlike a private commercial gatherer of personal data, the government can put you in jail based on what it uncovers. For this reason, the government has an obligation to exercise greater responsibility when enacting policies which undermine privacy rights. An earlier version of this measure was introduced last Congress by Representative CHABOT, a fellow member of the Committee on the Judiciary, and a strong defender of privacy rights.

Importantly, H.R. 4561 permits individuals adversely affected by an agency's failure to follow its provisions to seek judicial review pursuant to the provisions of the Administrative Procedure Act.

In this respect, the bill tracks amendments to the Regulatory Flexibility Act championed by Representative GEKAS, which provide for judicial review of rules issued without regard to their impact on small businesses. Mr. Speaker, I can say, without hesitation, privacy is no less important to American citizens than regulatory burdens are to American businesses, and this measure reflects this recognition.

Earlier in the Congress, the Judiciary Committee played a central role in House consideration of the Department of Homeland Security. Several pro-privacy provisions which I authorized, including the creation of a Privacy Officer at the new Department, and a prohibition against the creation of national identification cards were reported by the Judiciary Committee and adopted by the Select Committee on Homeland Security. While I continue to support the creation of a federal department dedicated to homeland security, we must continue to ensure the privacy rights of all Americans are not needlessly compromised by the government, and the Federal Agency Protection of Privacy Act helps maintain this vigilance.

Finally, I want to emphasize H.R. 4561 will not unduly burden regulators nor will it hinder law enforcement. The Federal Agency Protection of Privacy Act will apply the best antiseptic—sunshine—to the federal rulemaking process by securing the public's right to know about how rules will affect their personal privacy. It also ensure that citizens have the opportunity not only to critique the substance of a rule, but to do so with an understanding of the reasoning and justification upon which the rule was predicated by the federal government.

Mr. Speaker, recent polls reflect growing public unease about the diminishing sphere of privacy brought about by rapid technological and social change. The Federal Agency Protection of Privacy Act helps address these

concerns by providing the American public with a modest, although necessary mechanism which requires federal agencies to give advance notice, and an opportunity to comment, on how rules issued by federal agencies will affect their personal privacy.

Mr. Speaker, throughout my tenure in Congress, I have striven to keep faith with my sworn obligation to protect and preserve the Constitution of the United States. This precious document, which secures our fundamental rights and liberties, will endure as a charter of freedom only as long as there are those with the fidelity to live by it and the courage to defend it. Of the several philosophical foundations which undergird the Bill of Rights, the right to privacy provides a central, organizing principle which gives content to the substantive protections contained in our Founding document.

I believe I have done my part to uphold this body's sacred obligation to preserve the sanctity of our Constitution, and urge my colleagues to do the same by supporting the Federal Agency Protection of Privacy Act.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 4561.

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

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL COMMUNITY ROLE MODELS WEEK

Mr. DAN MILLER of Florida. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 409) supporting the goals and ideals of National Community Role Models Week, and for other purposes.

The Clerk read as follows:

H. CON. RES. 409

Whereas individuals who are motivated every day by traditional American values such as selflessness, compassion, dedication, courage, and integrity have a positive effect on society by encouraging others to act in a similar manner;

Whereas individuals in local communities located throughout the United States embody these values in their daily work, communities, and homes;

Whereas children and adults would benefit from learning about individuals in their community who embody these values and about what motivates them;

Whereas because children learn and act by examples they experience on a daily basis, they need role models from their local community with whom they can realistically relate;

Whereas inspiring stories about an individual that a child knows or might meet in the community can make a difference in that child's decisions and life;

Whereas the Recognizing Achievement—Rewarding Excellence Foundation (R.A.R.E. Foundation) based in Troy, Michigan, has established a program to recognize exceptional people who work in the community and further educate children in the community about such people;

Whereas the R.A.R.E. Foundation is willing to provide guidance to any community interested in starting such a program; and

Whereas National Community Role Models Week is a fitting tribute to the many individuals who displayed motivation, selflessness, compassion, dedication, courage, and integrity during the aftermath of the terrorist attacks against the United States which occurred on September 11, 2001: Now, therefore, be it

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

(1) supports the goals and ideals of National Community Role Models Week;

(2) commends the Recognizing Achievement—Rewarding Excellence Foundation based in Troy, Michigan, for establishing a program to recognize exceptional people who work in the community and further educate children in the community about such people; and

(3) encourages the establishment of similar programs in communities throughout the United States.

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

The Chair recognizes the gentleman from Florida (Mr. DAN MILLER).

GENERAL LEAVE

Mr. DAN MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 409.

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

There was no objection.

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

Mr. Speaker I am pleased to have the House consider House Concurrent Resolution 409. I commend the distinguished gentleman from Michigan (Mr. KNOLLENBERG) for introducing this measure and working so hard to bring it to the floor.

I am a co-sponsor of this important resolution that expresses the support of the House of Representatives for the goals and ideals of the National Community Role Models Week. This resolution encourages communities to adopt programs that recognize local heroes and educate children about them.

In addition, this resolution recognizes an organization of southeastern Michigan that has established a program to recognize outstanding community residents and teach children about work ethic values and accomplishments. Since 1998 the Recognizing Achievement-Rewarding Excellence, or RARE, Foundation of Troy, Michigan, has identified hundreds of unsung heroes in the Detroit Metropolitan area. Some award winners include an entrepreneur who built a successful company that teaches moderately handicapped people to live on their own, a receptionist who created a care program for the spouses of terminally ill employees, and a principal of an elementary school located in a poverty-stricken and drug-impacted neighborhood who led the school to achieve the national Blue Ribbon award.

Children need role models today more than ever. A role model from a child's family or community can make a great difference in a child's life. Although we often hear inspiring stories about famous individuals, we seldom publicly recognize exceptional people in our communities who can better relate to kids. There are many working individuals in our local communities who are motivated every day by values such as selflessness, compassion, dedication, courage, and integrity. Although these people could be a wonderful role model for children in their communities, their efforts are seldom publicly recognized; and as a result, people in the community cannot benefit from not knowing about them. Since children learn by examples they experience on a daily basis, they need role models from their local community.

More than rock stars or sports figures, these individuals can better inspire children to think about their personal heroes and reflect upon their dreams and aspirations. It is essential that we validate and promote at a local level the exceptional values possessed by many individuals within our communities. Establishing an annual week for identifying role models in our local communities would remind us how each individual, no matter his or her profession, plays a vital role in the greatness of this Nation. I commend the RARE Foundation for establishing a program to recognize community role models, and I encourage other communities to establish similar programs. I ask my colleagues to support this resolution.

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

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

Mr. Speaker, I am pleased to join with the gentleman from Florida (Mr. DAN MILLER) in considering Con. Res. 409, supporting the goals and ideals of National Community Role Models Week, and for other purposes.

Mr. Speaker, H. Con. Res. 409 supports the goals of National Community Role Models Week and the Recognizing Achievement-Rewarding Excellence Foundation, the RARE Foundation.

While today's athletes and entertainers have inspiring stories of perseverance, endurance, and dedication and are indeed noteworthy individuals, they are often far removed from the lives that young people live. However, parents, teachers, nurses, crossing guards, the so-called working stiff, ordinary everyday people are the people that interact and touch the lives of young people on a daily basis. People that go to work every day to earn an honest living that provide a service and

do so in a professional manner, these are the individuals that often are overlooked, but fortunately not during National Community Role Models Week. These individuals are motivated every day by traditional American values such as selflessness, compassion, dedication, courage, and integrity. They embody these values in their daily work, in their communities, and in their homes.

Not only should these individuals, the neighbor, dentist, baker, shopkeeper, Sunday school teacher, scout leader, the lady down the block who teaches children, young girls how to bake, how to cook, how to sew, all of these individuals should be honored during National Community Role Models week but every day they touch the lives of children in a very positive and enduring way. The ''working stiff'' as they are often called, the average person, is indeed a national treasure and should be treated as such. There are thousands and thousands of individuals throughout our country who give of themselves on a daily basis in such a way as to empower, enlighten and enrich the lives of others and especially of children. And when they do so, we must recognize that they are role models and should be treated as such. So I am pleased to join in support of this resolution and urge its passage.

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

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

I urge adoption of House Concurrent Resolution 409. This legislation supports the goals and ideals of the National Community Role Models Week. It also commends those unsung heroes, community role models who make a difference in the lives of children and inspire all of us. I thank the RARE Foundation of Troy, Michigan, for recognizing community role models.

Mr. KNOLLENBERG. Mr. Speaker, more than anything else, the tragic events of September 11 helped our Nation realize that it is blessed with so many wonderful heroes—not only the firefighters and other emergency personnel that were on the scene but countless others all over the Nation in our communities who demonstrate daily remarkable deeds of character, integrity and bravery.

I have introduced this legislation because I believe children must learn to recognize the strong role models that live in their local communities. Children need to understand that they are important and can make a difference no matter their occupation. Although we often hear inspiring stories about famous celebrities, sports figures, and civil leaders, we seldom publicly recognize exceptional people right in our own neighborhoods and communities with whom children can more readily relate.

The legislation before us today encourages communities to adopt programs that recognize local heroes and educate children about them, and supports the goals and ideals of a National Community Role Models Week.

Establishing an annual week for identifying role models in our local communities would remind us how each individual, no matter his or her profession, plays a vital role in the greatness of this Nation.

There are many working individuals in our local communities who are motivated every day by values such as selflessness, compassion, dedication, courage, and integrity. Although these people could be wonderful role models for children in their communities, their efforts are seldom publicly recognized and, as a result, people in the community cannot benefit from knowing about them.

As children learn and act by examples they experience on a daily basis, they need role models from their local community with whom they can realistically relate. More than rock stars or sports figures, these individuals can better inspire children to think about their personal heroes and reflect upon their own dreams and aspirations.

An organization in Troy, Michigan, the RARE (Recognizing Achievement—Rewarding Excellence) Foundation, has established a program to recognize outstanding community residents and teach children about their work ethic, values and accomplishments. The Foundation helps children develop a sense of purpose and hope for their future by providing inspirational examples of ordinary people with traditional jobs who make extraordinary contributions.

Since its inception, the RARE Foundation has identified hundreds of unsung, silent heroes in the Detroit Metropolitan area. Some award winners include: an entrepreneur who built a successful company that teaches moderately handicapped people to live on their own; an apartment maintenance supervisor who risked his life to save tenants from a fire; a receptionist who created a care program for the spouses of terminally ill employees; detectives who worked for years during evenings and weekends to solve a murder; a principal of an elementary school located in a poverty-stricken and drug impacted neighborhood who led the school to achieve the national Blue Ribbon award. These individuals hold ordinary jobs but distinguish themselves with their extraordinary dedication, persistence and compassion.

Earlier this year, RARE Foundation teamed up with the Detroit News and sent brochures to 19,000 classrooms throughout the State of Michigan asking students to write essays nominating the person who is their hero. The News received 600 essays in response and selected winners. During the week of September 11, the Detroit News sent a 20-page supplement to schools that contained the winning essays, articles about RARE Award Winners and a teacher's guide for teaching the qualities and characteristics of heroism.

Heroes in the eyes of 4th through 8th graders included: well-loved elementary school principals, local philanthropists, challenging and supportive teachers, school secretaries, venerable coaches, youth pastors, dentists, nurses, doctors, judges, veterans, and family members.

H. Con. Res. 409 encourages communities to adopt similar programs that recognize local heroes and educate children about them.

Childrern need role models today more than ever in our history, and the role model in the family or next-door is immeasurably more important than the famous. It is essential that we validate and promote at a local level the exceptional values possessed by many individuals within our communities. Ideally, a national role models week would surround September 11 each year to memorialize the remarkable heroism and compassion displayed by so many after the terrible attack on our country. Establishing an annual week for identifying role models in our local communities would remind us how each individual, no matter his or her profession, plays a vital role in the progress of this nation.

I encourage my colleagues to support this resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. DAN MILLER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 409.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUGUSTUS F. HAWKINS POST OFFICE BUILDING

Mr. DAN MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2578) to redesignate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the ''Augustus F. Hawkins Post Office Building.''.

The Clerk read as follows:

H.R. 2578

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

SECTION 1. REDESIGNATION.

The facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, shall be known and redesignated as the ''Augustus F. Hawkins Post Office Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the ''Augustus F. Hawkins Post Office Building''.

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

The Chair recognizes the gentleman from Florida (Mr. DAN MILLER).

□ 1330

GENERAL LEAVE

Mr. DAN MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2578.

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

There was no objection.

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

Mr. Speaker, I am pleased to have the House consider H.R. 2578, introduced by our distinguished colleague,

the gentlewoman from California (Ms. WATERS), that designates the facility of the United States Postal Service located in Los Angeles as the Augustus F. Hawkins Post Office Building. Members of the entire House delegation from the State of California are cosponsors of this legislation.

This legislation honors a former Member of the House who preceded our colleague, the gentlewoman from California (Ms. WATERS), in what was the 29th Congressional District of California.

Congressman Augustus Hawkins was elected to 14 consecutive terms to this House on behalf of the people of South Central Los Angeles.

He rose through the ranks of this body and ultimately chaired the Committee on Education and Labor in the 1980s. Prior to his term in the House of Representatives, he served 28 years in the California State Assembly, a body in which he was the only black member for the greater part of his tenure.

Mr. Speaker, this legislation honors a man who devoted more than five decades of public service to the people of California. For that reason, I urge all Members to support the adoption of H.R. 2578.

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

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

Mr. Speaker, as a member of the Committee on Government Reform, I am indeed pleased to join my colleagues in consideration of H.R. 2578, which names a post office in Los Angeles, California, after former Representative Augustus Hawkins. H.R. 2578 was introduced by the distinguished gentlewoman from California (Ms. WATERS) on July 19, 2001, and enjoys the support and cosponsorship of the entire California delegation.

Augustus Freeman Hawkins was born in Shreveport, Louisiana, in 1907 and moved with his parents to Los Angeles in 1918. He received a public school education and graduated from the University of California at Los Angeles and the University of Southern California.

From 1935 to 1962, Mr. Hawkins served as a member of the California State Assembly. He served on the important Committee on Rules during part of his tenure in the Assembly and began his focus on education, labor and employment issues.

In 1963, Augustus Hawkins was elected to Congress as a Democrat representing the 29th Congressional District in California. In 1971, he joined 12 other African American Members of Congress and formally established the Congressional Black Caucus, a coalition of African American Members of the House dedicated to achieving greater equality for persons of African descent.

During his tenure in Congress, Gus Hawkins served as chairman of the Committee on House Administration and the Committee on Education and Labor. The 1990 Almanac of American Politics describes Chairman Hawkins' mindset: ''His convictions are that government programs can help and have helped the poor and middle class; that aid to education has strengthened the Nation; that Federal job programs have made the difference between a productive life and an idle one; and that the government has a responsibility to give jobs to those who cannot find employment in the private sector.''

To that end, Chairman Hawkins coauthored the Humphrey-Hawkins Full Employment and Balanced Growth Act of 1978, legislation designed to promote genuine and sustainable recovery and a full employment society.

Representative Hawkins also served as Chairman of the Joint Committee on Printing and Joint Committee on the Library. He retired at the end of the 101st Congress.

Mr. Speaker, I commend my good friend, the gentlewoman from California (Ms. WATERS), for seeking to honor Chairman Augustus Freeman Hawkins by naming a post office after him in Los Angeles, California.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. I thank the gentleman from Illinois (Mr. DAVIS) for yielding me time.

Mr. Speaker, I am pleased that this bill is being considered today. As it has been stated, it would rename the post office at 8200 South Vermont Avenue, which is California's 35th Congressional District, after Representative Augustus Hawkins. Representative Augustus Hawkins represented this district for nearly 30 years.

Mr. Speaker, this is a small gesture to a truly great man. Congressman Hawkins was a distinguished Member of this House. He worked hard, and he carried the respect of all those who worked with him.

Again, he was first elected to the California State Assembly in 1935. He served in the Assembly for almost 28 years. In 1962, he was elected to the U.S. House of Representatives and was California's first African American Member of Congress. He served a total of 13 terms.

Throughout his career, Gus focused on education, labor and employment issues. He served as chairman of the Committee on House Administration for 4 years. He also sat on the House Education and Labor Committee.

However, it is for his work on monetary and economic policies that he is often talked about. He teamed up with Senator Humphrey to sponsor the Full Employment and Balanced Growth Act of 1978. One aspect of the bill, which has become known as the Humphrey-Hawkins Report, required the Chairman of the Federal Reserve to report to the House and Senate Banking Committees on the economy and monetary policy twice a year. This report has become one of the most important speeches given by the Federal Reserve Chairman.

While the statute has officially expired, the report is still provided to Congress and remains a benchmark for evaluating the economy.

In 1971, though already in office for nearly a decade, Congressman Hawkins joined 12 other African American Members of Congress to establish the Congressional Black Caucus. Today, only the gentleman from New York (Mr. RANGEL) and the gentleman from Michigan (Mr. CONYERS) of the pioneering group remain in the House.

Over the past 31 years, the CBC has grown in influence and in size. Today, we have 38 Members from all over the country. The CBC owes much of its success to Gus Hawkins and the other founding members.

In 1991, after 14 terms in Congress, Congressman Hawkins decided to retire. I was fortunate enough to be elected to serve in the district that he had represented so well for so many years.

Recently, Congressman Hawkins partnered with Dr. Vinetta C. Jones, the Dean of Howard University School of Education, to form the Black Education Leadership Summit. The group is comprised of education, civil rights, nonprofit, business and community groups that seek to remove the public education debate beyond rhetoric-based theory. The ultimate goal of the group is to develop and enhance the education of all African American students.

I certainly appreciate the work of Congressman Augustus Hawkins, and I am very pleased and proud to represent the 35th Congressional District, that area which he served so admirably for so long.

I would like to just close by giving my very fond thoughts about the length of time that I have known Congressman Hawkins. The conversations that we have had over the years helped me to understand that not only do I have a responsibility to come to this body and represent my constituents in the absolutely best way that I possibly can, but Congressman Hawkins taught me to ''trace the money.''

He came home often, and he always went to city hall to find out what they were doing with the Federal funds that we were sending down there. I learned to pay attention to that. Because of Gus Hawkins, even today I am tracing the dollars from the CDBG Grants, Section 108 loan guarantees and other areas of government where we appropriate money that goes into the local government to be disbursed.

It was because of Gus Hawkins that I think our city began to do a better job of making sure, as Gus said, that all of the money was not concentrated downtown, that the money got out into the communities and out to the district that he represented, and certainly to the district that I now represent.

Again, I am pleased and proud to be a part of the efforts here today to name this Post Office after a most deserving gentleman, Congressman Augustus Hawkins.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WATSON).

Ms. WATSON of California. Mr. Speaker, I rise in strong support of H.R. 2578, the naming of a post office after Gus Hawkins. I just want to tell my colleagues this personally. My father, who has long been deceased, did the first fund-raiser for Gus Hawkins. They raised all of $75, and that was a lot of money in those days.

During a time of renewed interest in public service, Gus's career and life epitomized the importance and the impact of serving one's fellow man for the betterment of our country and way of life. A champion of children, poor people, working people, senior citizens, and minorities, he expressed his views about public service by stating: ''The leadership belongs not to the loudest, not to those who beat the drums or blow the trumpets, but to those who day in and day out work for the practical realization of a better world.''

Still living, and we are so proud that he is with us, he was born in Louisiana in 1907. He moved with his family to Los Angeles when he was 11 to escape racial discrimination. He received degrees from UCLA, my alma mater, and USC and began his legislative career in 1935 in the California Assembly where he served for 28 years, often as its only black member. And to get him there in 1935, that $75 went a long way.

Gus faithfully served this House from 1963 to 1991; and during his tenure, he served as chairman of the Committee on Education and the Committee on House Administration. He is the author of more than 17 Federal laws, including the title VII of the Civil Rights Act establishing the Equal Employment Opportunity Commission, the Job Training Partnership Act, and the School Improvement Act, which revamped virtually all major elementary and secondary education programs.

Gus once recounted that he wanted to be remembered as one who simply loved children. I recall a telephone call I got from him just a few months ago. He was very concerned about the Leave No Child Behind Act.

As he continues to open his heart to others, today we open our hearts to Gus Hawkins and the officially named post office in Los Angeles. He is a friend, he is a mentor, and he is someone who simply loves children and their parents. He is very deserving of this honor.

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

Mr. Speaker, I would just close by indicating that Representative Hawkins was indeed and is indeed a legend. Between the time that he spent in the California Assembly and the time that he spent here in the halls of Congress, he must have spent much more than half of his life in representative positions. I think that that is indeed rare, and it is my pleasure to urge passage of this resolution.

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

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

Mr. Speaker, I urge all Members to support this measure.

Mr. ABERCROMBIE. Mr. Speaker, I rise today to join in paying tribute to a great American. Former Congressman Augustus Hawkins was not only a pioneer in breaking a race barrier of the House of Representatives, he was also a pioneer in economic and unemployment reform.

Congressman Hawkins was well respected by both sides of the aisle for his sincerity, dedication hard work, and commitment to helping those less fortunate. He sponsored numerous laws that created jobs and insured civil rights. He was a forceful advocate of Federal support of education.

During his years in Congress, Mr. Hawkins' most notable accomplishments included the establishment of the Equal Employment Opportunity Commission in Title VII of the Civil Rights Act of 1964, and the Full Employment and Balanced Growth Act of 1978.

Mr. Speaker, I join with my colleagues in wishing Congressman Hawkins a happy 95th birthday, which he celebrated earlier this year. it is fitting that we name a postal facility after Congressman Hawkins so that Californians and Americans can long remember his legacy. Let us not only look back at his accomplishments and his patriotism, let us look forward and wish him many more healthy and happy years.

Ms. NORTON. Mr. Speaker, I rise to support giving long overdue honor to a man who will be remembered as a great chair of the Committee on Education and Labor. ''Gus'' Hawkins, as he was affectionately called, will be remembered for many significant federal laws that he authored. His name has become synonymous with the Humphrey-Hawkins Act to set our country on the course in pursuit of the often-elusive balance between full employment, balanced growth, and minimal inflation. However, I want speak especially to Chairman Hawkins' work as the author of Title VII of the Civil Rights Act, which established the Equal Employment Opportunity Commission.

I had the good fortune to chair the EEOC during a period when Gus Hawkins was chair of the House Education and Labor Committee. I came to the agency when it was only ten years old and had had a rocky management tenure. Faced with no experience in handling large numbers of complicated cases, the Commission had developed a crippling backlog. The EEOC was fortunate during that period, and later during my own tenure, to have in chairman. Hawkins a dedicated, no nonsense taskmaster who insisted that the agency reform itself so that it could deliver the equal job opportunity the statute envisioned. It fell to me to institute the restructuring and the reform of the EEOC beginning in 1977, but that process had the advantage of the determine and very knowledgeable oversight of a chairman who knew what needed to be done and made sure that all of us did our best to do it.

Chairman Hawkins' name is synonymous with hard work and an encyclopedic understanding of the most important domestic agencies and statutes affecting health, welfare, education, and equal opportunity in our society. His work in the California Assembly and here in the Congress is replete with examples of his leadership and education to the needs of working people, the unemployed, children, and minorities. He was the author of such land mark legislation as the School Improvement Act, which made the federal government an important factor in elementary and secondary education for the first time. He was a founding member of the Congressional Black Caucus.

However, when a man has been the author of more than seventeen federal laws, it is difficult to overestimate his importance in American legislative history. Mr. Hawkins was an understated man but his legislative achievements are legendary. He is not a man who would have sought to have a building named after him. Instead many bills bear his name, as he would prefer. Never the less, let this House add the name of Augustus Hawkins to a post office allowing many more to know his work and become aware of the significance of Gus Hawkins in our history.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. DAN MILLER) that the House suspend the rules and pass the bill, H.R. 2578.

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

A motion to reconsider was laid on the table.

FRANCIS DAYLE ''CHICK'' HEARN POST OFFICE

Mr. DAN MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5340) to designate the facility of the United States Postal Service located at 5805 White Oak Avenue in Encino, California, as the ''Francis Dayle 'Chick' Hearn Post Office.''

The Clerk read as follows:

H.R. 5340

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

SECTION 1. FRANCIS DAYLE "CHICK" HEARN POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 5805 White Oak Avenue in Encino, California, shall be known and designated as the ''Francis Dayle 'Chick' Hearn Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Francis Dayle ''Chick'' Hearn Post Office.

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

The Chair recognizes the gentleman from Florida (Mr. DAN MILLER).

GENERAL LEAVE

Mr. DAN MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5340.

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

There was no objection.

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

Mr. Speaker, I am pleased to have the House consider H.R. 5340, introduced by our esteemed colleague, the gentleman from California (Mr. SHERMAN), that designates the facility of the United States Postal Service located in Encino, California, as the Francis Dayle ''Chick'' Hearn Post Office Building.

Mr. Speaker, all Americans were saddened to hear that Chick Hearn, the renowned play-by-play announcer of the National Basketball Association's Los Angeles Lakers passed away on August 5 of this year. He was unquestionably one of the most adored and distinctive sports broadcasters in American history.

''Chick'' Hearn's record of broadcasting longevity is astonishing. Since the 1960s, he called over 3,300 Lakers games, plus numerous University of Nevado at Las Vegas basketball games, many college and professional football games, and even the first Muhammad Ali-Joe Frazier boxing match. His continued excellence earned him the nickname the ''Golden Throat.''

It was remarkable that, despite leaving the Laker's announcing booth last December because he had to undergo heart surgery, he valiantly returned to call the Lakers playoff games all the way through to their third consecutive NBA championship this past summer.

While his longevity in the broadcasting booth is well known, many outside of California may not realize that scores of basketball phrases were in fact invented by the colorful Chick Hearn. He made famous terms that are now pervasive in basketball vernacular such as ''air ball,'' ''finger roll,'' ''give and go,'' and even ''slam-dunk.''

Mr. Speaker, naming a Post Office after Francis Dayle ''Chick'' Hearn is a fitting tribute to a man who was as beloved and appreciated as Chick Hearn was. Therefore, I urge all Members to adopt H.R. 5340.

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

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

□ 1345

Mr. SHERMAN. Mr. Speaker, I thank the gentleman from Illinois for yielding me this time, and I thank the House of Representatives and particularly the Committee on Government Reform for moving this bill to the House floor in record time.

We are here to honor a man who epitomized the spirit, the unity, and the joy of life, of living in southern California, a man who was the best reason to buy a transistor radio, perhaps the best reason to live in southern California, and perhaps the best reason to be an NBA fan. We knew how much he meant to us, but we did not fully know until he died last August 5. He had broadcast 3,338 consecutive games between November 1965 and December 2001. Not only did he broadcast those consecutive games, but his total number of games called reached 3,362.

In addition to broadcasting those Lakers games, he also broadcast NCAA basketball and football games, NFL football games, UNLV basketball, and the first Ali-Frazier fight. He won two Emmy awards, three Golden Mike awards, two National Sportscaster of the Year awards, seven California Sportscaster of the Year awards, and a star on Hollywood Boulevard's Walk of Fame. He was also inducted into the basketball Hall of Fame and the American sportscasters Hall of Fame.

No one in this country I think influenced the poetry of basketball to the extent of Chick Hearn. He invented or popularized the terms we all are familiar with: slam dunk, air ball, finger roll, give and go, and one other phrase that I will use at the conclusion of my remarks.

Francis Dayle Hearn was born in Buda, Illinois, on November 27, 1916. He was a talented athlete, but a car accident ended his semi-pro basketball career in the 1930s. While playing in Aurora, Illinois, his affable response to a practical joker's placing of a dead chicken in his locker won him the nickname Chick, the name that we all in Los Angeles came to know him by.

He served in the Army in the South Pacific during World War II and after the war became a sportscaster in Aurora and Peoria, Illinois. In 1956 he moved to Los Angeles to cover college football and basketball for CBS radio and NBC television. He joined the Lakers in their first season in Los Angeles and became the voice of basketball for southern California.

Chick is survived by his wife, Marge, a granddaughter and a great granddaughter. Chick and Marge were residents for many decades in the San Fernando Valley and have lived in Encino for well over 20 years. This bill will rename their local post office the ''Francis Dayle 'Chick' Hearn Post Office.''

Mr. Speaker, this legislation, of course, enjoys the support of not only the Lakers organization, but the entire California delegation. I talked to Marge earlier today and she asked me, What are the chances that this bill will pass this House today? And I said, Marge, ''it's in the refrigerator. The door's closed, the light's out, the eggs are cooling, the butter's getting hard, and the Jello's jiggling.''

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as she might consume to the gentlewoman from California (Ms. WATSON).

Ms. WATSON of California. Mr. Speaker, I come to support two champions who will have post offices named after them.

First I would like to support H.R. 5340 and sportscaster legend Chick Hearn. I represented the Lakers for many a year in Inglewood while Chick Hearn was at his finest, and I feel very close to that voice even in death, because his was the voice representing a real sportsman's spirit; and he was able to educate, train, and mentor almost everyone who heard him in sportsmanship.

As the gentleman from California (Mr. SHERMAN) expressed, he coined many phrases that are used today. Our younger people will grow up parroting those phrases and appreciating good sportsmanship and good women in sports as well. Our women's basketball team played in that same sports arena while I represented that area; and I am so very, very proud of what he was able to put forth to them in the line of sportsmanship and in the line of broadcasting what good sports was all about.

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

As a member of the House Committee on Government Reform, I am pleased to join with my colleagues in consideration of H.R. 5340, which names a Post Office in Encino, California after the late Francis Dayle ''Chick'' Hearn. Mr. Speaker, H.R. 5340, which enjoys the support and cosponsorship of the entire California delegation, was indeed introduced by the gentleman from California (Mr. SHERMAN) on September 5, 2002.

Francis Hearn was born in the great State of Illinois in the city of Aurora. He attended Bradley University and was given the nickname ''Chick'' when, as an AAU basketball player, he found a chicken inside a box of sneakers.

Chick Hearn began his career in Los Angeles, California, broadcasting the University of Southern California football and basketball games. He went on to do night and radio sports, winning Emmy awards along the way. In 1961, Chick began play-by-play announcing for the Los Angeles Lakers, a job he held for over 30 years. During his Lakers career, Chick Hearn became one of the most recognizable voices in the industry and the greatest basketball announcer of all time. His great announcing gave birth to ''Chickisms,'' as it was called. These were comments Chick made while broadcasting the games. Some of his greatest comments were: ''The mustard's off the hot dog,'' ''He's in the popcorn machine,'' ''slam dunk,'' ''air ball,'' ''This game's in the refrig.''

A man of much commentary, Chick Hearn earned a Cable ACE Award, Best Sports Play-by-Play in 1988, and a star on Hollywood Boulevard's ''Walk of Fame.'' He was the recipient of a Golden Mike award, six California Sportscaster of the Year awards, and three Southern California Sports Broadcasters Association awards. His greatest honor came when he was inducted into the basketball Hall of Fame in 1991. Sadly, he passed away on August 5, 2002, from injuries suffered in a fall.

Mr. Speaker, I commend the gentleman from California (Mr. SHERMAN) for seeking to honor Chick Hearn by naming a post office after him in Encino, California; and I urge the swift passage of this bill.

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

Mr. DAN MILLER of Florida. Mr. Speaker, I urge adoption of this measure, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ADERHOLT). The question is on the motion offered by the gentleman from Florida (Mr. DAN MILLER) that the House suspend the rules and pass the bill, H.R. 5340.

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

A motion to reconsider was laid on the table.

□ 1400

EXPRESSING SUPPORT FOR PRESIDENT'S 2002 NATIONAL DRUG CONTROL STRATEGY

Mr. SOUDER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 569) expressing support for the President's 2002 National Drug Control Strategy to reduce illegal drug use in the United States.

The Clerk read as follows:

H. RES. 569

Whereas nearly 20,000 Americans, many of them children, die of drug-induced deaths, more than 52,000 Americans die from drug-related causes, and more than 600,000 Americans visit hospital emergency rooms for drug-related episodes every year;

Whereas the United States has for years been one of the largest consumers of illegal drugs in the world;

Whereas more than 50 percent of high school seniors have experimented with an illegal drug at least once prior to graduation, 2,800,000 Americans are considered to be ''dependent'' on illegal drugs, and an additional 1,500,000 are in the less severe ''abuser'' category;

Whereas the societal costs, including lost productivity, of the illegal drug problem in America have reached a staggering $160,000,000,000 per year;

Whereas the United States is experiencing a dramatic increase in the potency of marijuana and sharply escalating use of drugs such as methamphetamines, ''club drugs'' such as MDMA (''ecstasy'') and abuse of legally prescribed drugs such as Oxycontin;

Whereas the Office of National Drug Control Policy within the Executive Office of the President was established by the National Narcotics Leadership Act of 1988 to coordinate the Nation's overall counter-narcotics efforts;

Whereas the United States has consistently and firmly supported a ''balanced'' approach in the war on drugs, and the National Drug Control Strategy for 2002 calls for stopping drug use before it starts through education and community action, healing America's drug users by getting treatment resources where they are needed, and disrupting the market by attacking the economic basis of the drug trade;

Whereas more than 5,000 community anti-drug coalitions across America have been created to bring together parents, teachers, coaches, mentors, business leaders, faith-based organizations, and Federal, State, and local governments to reduce drug use through effective grassroots efforts;

Whereas the President of the United States has directed the Secretary of Health and Human Services and the Attorney General to better define and address the so-called ''treatment gap'' in America through increased and more effective drug treatment facilities across America and by convincing nearly 90 percent of drug abusers, particularly adolescents, that they in fact need help;

Whereas the National Youth Anti-Drug Media Campaign plays an important role in reducing drug use and social disapproval of drugs;

Whereas there is a well-established link between the profits from the illegal drug trade and the financing of many of the world's leading terrorist organizations, including the Taliban, al-Qaeda, and the Fuerzas Armadas Revolucionarias de Colombia (FARC), and the illegal narcotics trade has contributed directly to social and political instability and loss of innocent life in democratic nations in the Andean region and around the world;

Whereas the United States Government and the House of Representatives are working closely with allied nations to stop the international production and transit of illegal drugs and promote alternative development and means of economic growth;

Whereas the capabilities of the United States Coast Guard, the United States Customs Service, and the United States Border Patrol are critical to our Nation's drug interdiction efforts and must be maintained at no less than their current levels;

Whereas Federal, State, and local law enforcement agencies are working diligently to enforce laws prohibiting the use of illegal drugs and to interdict illegal drug traffic to the United States;

Whereas the Supreme Court of the United States decisively reaffirmed that the Controlled Substances Act is binding national law in United States v. Oakland Cannabis Buyers' Collective, 532 U.S. 483 (2001); and

Whereas the use of illegal drugs has been decisively rejected by the American people as inconsistent with the general welfare of the United States and individual dignity: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its support for the President of the United States and the Office of National Drug Control Policy in the goal to reduce drug use in America by 10 percent during the next 2 years and 25 percent during the next 5 years;

(2) calls on all Americans to join in the effort to prevent, reduce, and reject illegal drug use in America by talking to children about the dangers and consequences of illegal drug use and encouraging other responsible adults to do the same in their families and communities;

(3) calls on the President, the Secretary of State, the Secretary of Defense, the Attorney General, the Secretary of the Treasury, the Secretary of Health and Human Services, the Secretary of Transportation, the Director of the Office of National Drug Control Policy, and the heads of subsidiary agencies (including the Drug Enforcement Administration, the United States Customs Service, the United States Coast Guard, and the Substance Abuse and Mental Health Administration) to work together to effectively implement the 2002 National Drug Control Strategy and continue to seek ways to improve the coordination among Federal, State, and local governments, nonprofit organizations, corporations, foreign governments, and private citizens to reduce the demand for international supply of illegal drugs in the United States;

(4) expresses its sense that narcotics control is an integral part of homeland security and should be a priority mission for any new Department of Homeland Security;

(5) commends all Federal, State, and local government personnel working to combat illegal drug use in the United States, as well as community leaders who seek to make a difference across the United States; and

(6) reaffirms the sense of the House of Representatives against any use of narcotic and other drugs in a manner inconsistent with the Controlled Substances Act.

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

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

GENERAL LEAVE

Mr. SOUDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation.

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

There was no objection.

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

This resolution expresses the support of the House for the President's National Drug Control Strategy as well as for the work of the many individuals across America, in the government and in the private sector, who dedicate themselves to controlling and preventing drug abuse and helping drug abusers.

I introduced this resolution in my capacity as chairman of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources, joined by, as original cosponsor, the ranking member, the gentleman from Maryland (Mr. CUMMINGS). I very much appreciate his bipartisan support for this resolution and on so many other issues during this Congress.

I would also like to recognize the continued work of my co-chairs on the Speakers' Task Force for a Drug-Free America, the gentleman from Ohio (Mr. PORTMAN), the gentleman from Florida (Mr. MICA), as well as the gentleman from Illinois (Mr. DAVIS), who has been a great member and asset to our subcommittee.

I believe it is also appropriate to take a moment to recognize the lifelong work on drug control of the vice-chairman of the subcommittee, the gentleman from New York (Mr. GILMAN), the former chairman of the Committee on International Relations. He has tirelessly advocated vigorous efforts to stop drug abuse and trafficking and protect American youth throughout his distinguished career, and his unwavering leadership in this House will be sorely missed, especially on this issue.

As the resolution details, drug abuse continues to be a serious problem in

America today. The death of nearly 20,000 Americans this year will be caused directly by illegal drugs. Fifty-two thousand Americans will die of drug-related causes, and more than 600,000 Americans visit hospital emergency rooms for drug-related episodes every year.

In the past year, we have redirected the focus of the vast apparatus of the Federal Government to the threat of catastrophic terrorism. I want to remind my colleagues, however, that day-to-day and town-by-town, the slow, deadly, painful, and disruptive toll of illegal drug use continues unabated. Today, in addition to the continued tremendous challenge of holding the line on traditional drugs like cocaine and heroin, we also face emerging threats such as high potency marijuana, which many know as ''BC Bud,'' the growth of methamphetamine use, the so-called ''club drugs'' like Ecstasy, and increased abuse of the prescription drug Oxycontin.

Earlier this year, President Bush and Director Walters of the Office of National Drug Control Policy released the National Drug Control Strategy to detail the administration's approach to reducing drug use in America. It is a balanced strategy that calls for stopping drug use before it starts through education and community action, healing America's drug users by getting treatment resources where they are needed, and disrupting the market by attacking the economic basis of the drug trade through interdiction and vigorous law enforcement.

As part of the strategy, the President has set the aggressive goal of reducing drug use in America by 10 percent during the next 2 years and 25 percent during the next 5 years. This resolution expresses the support of the House for the balanced strategy set forth, as well as the goal of a measurable reduction of illegal drug use in America. I believe that meeting these specific goals will be a challenge but that the House should strongly support the effort to restore accountability and performance measurement to the Nation's drug control programs.

I also believe that the House should express its support for the tireless and often thankless work which so many Americans do every day to combat illegal drug traffic and abuse within our country and around the world.

Whether it be a drug counsellor who helps the addicted, the DEA agent who risks his or her own life to fight the often violent drug cartels, the community coalition leader who tries to keep kids from starting drug use, the Customs, Immigration, or Border Patrol officer on the front line at the border, the doctor or nurse who offers the medical help, the Coastie on the water in the transit zone, the local cop, the Foreign Service officer in a source country, or even the mother who reports suspicious activity on her block, these and countless other Americans work every hour of every day to fight illegal drugs. We ought to recognize and thank them. This resolution does that.

The resolution also expresses the sense of the House that narcotics control should continue to be a priority mission for the new Department of Homeland Security, as well as our continued opposition to any use of narcotics not permitted by the Controlled Substances Act, the basic Federal law prohibiting use of illegal drugs.

Finally, I want to note that this resolution calls on all Americans to join in a united effort to fight drug use in our communities. This is especially true of our parents, who we want to urge to talk to their children about the dangers and consequences of illegal drug use and encourage others to do so in their families and communities.

We have seen how increased vigilance to threats to our society and way of life can help make us safer as a Nation, and I hope that families and communities can do the same with respect to parenting and drug use.

I urge my colleagues to support the resolution.

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

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

Mr. Speaker, I am very pleased to join with the gentleman from Indiana (Chairman SOUDER) in consideration of House Resolution 569, a bill expressing support for the President's 2002 National Drug Control Strategy to reduce illegal drug use in the United States.

I also want to commend the gentleman from Indiana for his outstanding leadership on this issue and especially for the convening of a field hearing in Chicago, where I live. I have appreciated the work that the gentleman has done; and, as I have indicated, I am pleased to join with him in consideration of this legislation.

Mr. Speaker, I include for the RECORD the statement of the gentleman from the gentleman from Maryland (Mr. CUMMINGS), who is the ranking member, and for whom I am actually filling in, in the presentation of this matter.

The statement referred to is as follows:

Mr. CUMMINGS. Mr. Speaker, I rise in favor of H. Res. 569, expressing support for the President's 2002 National Drug Control Strategy. As the Ranking Minority Member of the drug policy subcommittee, I'm happy to join with my chairman, the gentleman from Indiana, as an original cosponsor of this resolution.

As the War on Terror, homeland security, possible war with Iraq, and other issues dominate headlines, it is important that the American people, we in Congress, and the various state, federal and local agencies involved in the War on Drugs remain vigilant with regard to illegal drug control. Illegal drugs still claim many more American lives than terrorist attacks and they are responsible for much of the violent crime and property crimes that undermine the stability and safety of communities across the country, including my own city of Baltimore.

The increasing linkage between illegal drug trafficking and the financing of terrorist activities makes it all the more imperative that we keep our eye on the ball and not let the war on drugs slip as a national priority. Chairman SOUDER and I share this concern and worked together in the Government Reform Committee on a provision in the homeland security bill to create a high-level position within the new department that will be responsible and accountable for coordination of drug control functions within and outside the new department. A similar provision has been included in the bill approved by the whole House and I would urge our colleagues in the other body to preserve it.

Mr. Speaker, the President deserves credit for making drug control a high priority in his administration. The national drug control strategy unveiled in February by the President and Office of National Drug Control Policy Director John Walters reflects a balanced and thoughtful approach to combating the drug problem. It recognizes that U.S. demand for drugs is the root of our domestic drug problem, identifying U.S. demand-reduction as a ''central focus.'' Consistent with this recognition, the strategy boldly states the goal of reducing domestic drug use by ten percent over two years, and by 25 percent over 5 years.

The strategy further reflects a recognition of the essential role that treatment plays in reducing drug-demand. The President's proposed drug control budget includes a $1.6 billion increase in drug treatment funding over 5 years, in addition to a solid commitment to the Drug Free Communities Program, the National Youth Anti-Drug Campaign, drug courts, and other vital demand-reduction programs.

In the areas of treatment and domestic law enforcement, the President's strategy reflects an emerging pragmatic consensus around the concept that drug treatment and law enforcement are most effective when approached as complementary rather than competing objectives. The criminal justice system must work in concert with treatment initiatives in order to achieve positive long-term outcomes for users, addicts, and communities afflicted with drugs and drug-related crime.

This is the approach vindicated by a recent, groundbreaking drug-treatment study, focusing on Baltimore, entitled ''Steps to Success.'' Commissioned by Baltimore Substance Abuse Systems, Inc., and conducted by a blue-ribbon panel of experts from Johns Hopkins University, the University of Maryland, and Morgan State University, the study showed that a substantial increase in funding for drug treatment resulted not only in dramatic decrease in addiction and abuse, but also in equally dramatic reductions in emergency-room deaths, HIV/AIDS transmission, and both violent and property crimes. ''Steps to Success'' is the most thoroughly researched study of its kind and should put to rest the notion that treatment dollars are not dollars well spent. This is a lesson that communities nationwide can benefit from.

Mr. Speaker, I want to thank the gentleman fro Indiana, Mr. SOUDER, for his constructive leadership on the drug policy subcommittee and in bringing this resolution to the floor. I know we both look forward to continuing to work together, and with Director Walters, in maintaining our government's focus on the critical goal of reducing illegal drug use.

Mr. DAVIS of Illinois. Mr. Speaker, last year the Chicago Defender published an article entitled ''Cook County Drug Offenders Lose Out in Drug Treatment Revival.''

Though the article focused on Cook County in Illinois, it brought to the forefront a national trend towards treatment for drug offenders. Troubled by the devastating impact of drugs on the criminal justice system, the courts are diverting more drug offenders away from prisons, mandating instead that they enroll in substance abuse rehabilitation programs.

Keevin Irons, for example, a 41-year-old native of suburban Chicago Heights, had been hooked on drugs for 20 years when a Cook County circuit judge gave him 4 years' probation on a drug possession charge and ordered him to 28 days in a residential treatment center.

Mr. Irons said of the treatment that was aimed at getting him to recognize the patterns of abuse in his life, and I quote, ''Treatment has brought me a long way to learn about my disease and what made me do the things that I did. I see my life differently now. I can go out to society and be a productive citizen. Recovery is a beautiful thing.''

Mr. Speaker, recovery is a beautiful thing, which is why I am pleased to see that President Bush's 2002 National Drug Control Strategy includes over $850 million for various drug prevention programs and an additional $1.6 billion over the next 5 years for drug treatment programs.

This money, and more, is sorely needed to address the devastating impact of drugs on the criminal justice system. More and more addicts are streaming into the system than it can help. The problem is particularly acute in Cook County, where the drug caseload has exceeded those of other Illinois counties. Cook County drug offenders are far less likely to receive drug treatment as part of their probation than those in Illinois' other 101 counties, shown by an investigation by the Chicago Reporter.

According to the Illinois Department of Corrections, the number of prison sentences for drug crimes increased more than 12-fold from 1983 to 1999, when 13,766 drug offenders were sentenced to prison. Once discharged, about 40 percent of them will end up back in prison within 3 years.

Furthermore, drug users are among the most active perpetrators of other crimes. Nearly two-thirds of jailed inmates nationwide said they used drugs regularly prior to their arrest, and about one in six committed their current offense to sustain a drug habit, according to a 2000 study by the Department of Justice.

In response to this, as the Chicago Defender reported, States are moving away from incarceration to initiatives such as drug courts. Drug courts divert offenders to treatment, but they also impose penalties for misbehavior. The drug courts program uses the coercive power of the court to force abstinence and alter behavior through a combination of escalating sanctions, mandatory drug testing, treatment, and strong aftercare programs.

The 2002 drug strategy provides an additional $2 million for drug court programs, bringing the total to $52 million for fiscal year 2003. According to the 1997 National Treatment Improvement Evaluation Study by the U.S. Department of Health and Human Services, such treatment programs cut illicit drug use by 48 percent and reduce arrest rates by 64 percent. These programs help stabilize communities by making them safer and making productive citizens out of drug offenders.

I support the President's drug prevention and treatment strategy and its continued funding. Recovery is a beautiful thing; and, Mr. Speaker, I urge the adoption of this resolution.

Once again, Mr. Speaker, I want to commend my colleagues, the gentleman from Indiana (Chairman SOUDER) and the ranking member, the gentleman from Maryland (Mr. CUMMINGS), for the outstanding leadership they both have brought and continue to bring to this issue.

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

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

Mr. Speaker, in closing, this is a very important resolution that we acknowledge that, even under this time when we are under a terrorist attack, that we are under chemical attack as well.

In my hometown of Fort Wayne, Indiana, we have seen in the past month a very gruesome murder that occurred to cover up another murder, where kids were high on drugs and alcohol. In fact, they not only beat up and then shot but then burned two of their acquaintances in a field.

This past week we saw another group murder. It appears to be gang-related. It appears to be related to narcotic sales in the City of Fort Wayne.

The principal of South Side High School had to have teachers and police at the football game. He has been actively reaching out and looking for prevention programs and trying to reach the kids, whether it is through community churches, community organizations and the classroom, to try to show the evils of narcotics and the impact they have on the community and the evil of gang warfare that often is closely related.

We may or may not ever see terrorist attacks in Fort Wayne and we may or may not see terrorist attacks around the United States, but we are certainly going to see drug abuse. For the people in the field, those working in the programs and prevention in the schools and prevention in the communities, those who work with treatment, it is often very discouraging.

A lot of people ask me, as chairman of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources, why can you not just eliminate this problem? But let me remind the Members that, at core, there are a couple of different things. One is that we will never eliminate evil from the world. We try to control it as much as possible. This is true of rape, it is true of child abuse, it is true of spouse abuse, it is true of child abandonment. They have been with us for a long time.

As leaders in this country, we cannot say, oh, it is not working; therefore, we are going to abandon it. We have to redouble our efforts.

Furthermore, in the area of narcotics, we see every day new people who heretofore we thought were invulnerable to a narcotics attack, whether it is young kids who now are being exposed for the first time in elementary school, the first time at a party in junior high, or at a club scene as a high schooler who had never been exposed to narcotics before.

We have to be there in prevention, be there when they are first exposed, be there for treatment, and also be there to intercept the drugs as they are coming into this country, so we keep the prices from going so cheap and the purity so high that, when they have that exposure, they die on simple impact.

This is a combined strategy that never gives up, that understands that we are battling all the time to try to change these families, people who have lost work, people who have gone through a divorce, people who are vulnerable at that moment, much like they are for other types of things. We need to be working aggressively, and this resolution praises all those in the field who have worked with this and reminds Congress and the American people that we have tens of thousands of people who lose their lives, who get shot, who go to emergency rooms because of this evil of narcotics.

Mr. Speaker, I commend this resolution to the House and hope that it passes unanimously.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H. Res. 569, a resolution expressing support for the president's 2002 National Drug Control Strategy. I urge my colleagues to lend it their wholehearted support.

This resolution expresses the support of the Congress for President Bush's 2002 National Drug Control Strategy to reduce illegal drug use in the United States. It recognizes the alarming rate of drug abuse in our country, the serious toll it takes on American families and communities in the form of damaged or destroyed lives, and the financial support which drug traffic provides for terrorist and other criminal enterprises. Finally, it expresses the support of the House for the balanced approach to the Nation's war on drugs, focusing equally on supply and demand reduction.

Drug abuse is a widespread problem effecting more than 9 million individuals. Recent years have shown disturbing trends in the use of heroin, various club drugs, and methamphetamine, especially among our younger population. Moreover, the drugs available on the streets today are cheaper, purer and easier to acquire than at any previous point in our Nation's history.

All told, it is estimated that 85 percent of all crime committed in the United States is somehow related to either drug or alcohol addiction. Furthermore, U.S. taxpayers spend an average of $150 billion per year in drug-related criminal and health care costs. Moreover, since last year we have learned of the insidious link between the drug trade and international terrorism.

Equally troubling is the long term impact on the families, and especially the children, of alcoholics and drug abusers. Far too many children grow up in homes where one or both parents consume are more likely to suffer abuse or neglect from their parents, and have a higher risk of becoming alcoholics or addicts themselves.

We have made enormous progress in improving drug and alcohol awareness. Thanks to the tireless efforts of groups like mothers against drunk driving, alcohol-related traffic fatalities have decreased considerably from thirty years ago.

Yet we still have far to go. Far too many people do not view alcohol as a drug, and an alarming number of Americans do not realize that various alcoholic beverages contain different amounts of alcohol.

We also have far to go on the drug front as well. Recent years have seen a proliferation of efforts to create back doors to legalization, best shown by the medical marijuana argument. However, anti-drug efforts are seeing signs of finally working after years of neglect. A return to a balanced approach that attacks both the supply and demand side of the problem has made a difference.

Drug treatment is an important component of demand reduction that has proven itself to work, but it requires enormous commitment on the part of both doctor and patient. This is especially true for those addicted to opiate narcotics and alcohol.

H. Res. 569 supports the President's argument that the current time is ideal to reinvigorate the American people public in the war on drugs. In implementing this strategy, we should apply the recent lessons learned to formulate a balanced approach that attacks both demand and supply of illicit drugs.

The President has outlined a bold strategy that is designed to: Stop drug use before it starts, provide appropriate treatment for America's drug users, and disrupt the current illicit drug market.

I have spent the last thirty years in the Congress fighting the scourge of illegal drugs. I am pleased to see an administration that is strongly committed to this goal, and recognizes the dangers posed by this illicit trade, both in lives affected, wasted talent, and the turmoil caused by drug-financed terrorism.

Success in our drug war requires the commitment of every American. This resolution is a good start. I therefore urge its adoption.

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

The SPEAKER pro tempore (Mr. CANTOR). The question is on the motion offered by the gentleman from Indiana (Mr. SOUDER) that the House suspend the rules and agree to the resolution, House Resolution 569.

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

A motion to reconsider was laid on the table.

ACCOUNTABILITY OF TAX DOLLARS ACT OF 2002

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4685) to amend title 31, United States Code, to expand the types of Federal agencies that are required to prepare audited financial statements, as amended.

The Clerk read as follows:

H.R. 4685

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 ''Accountability of Tax Dollars Act of 2002''.

SEC. 2. AMENDMENTS RELATING TO AUDITING REQUIREMENT FOR FEDERAL AGENCY FINANCIAL STATEMENTS.

(a) IN GENERAL.—Section 3515 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''Not later'' and inserting ''(1) Except as provided in subsection (e), not later'';

(B) by striking ''each executive agency identified in section 901(b) of this title'' and inserting ''each covered executive agency''; and

(C) by striking ''1997'' and inserting ''2003'';

(2) in subsection (b) by striking ''an executive agency'' and inserting ''a covered executive agency'';

(3) in subsection (c) and (d) by striking ''executive agencies'' each place it appears and inserting ''covered executive agencies''; and

(4) by adding at the end the following:

''(e)(1) The Director of the Office of Management and Budget may exempt a covered executive agency, except an agency described in section 901(b), from the requirements of this section with respect to a fiscal year if—

''(A) the total amount of budget authority available to the agency for the fiscal year does not exceed $25,000,000; and

''(B) the Director determines that requiring an annual audited financial statement for the agency with respect to the fiscal year is not warranted due to the absence of risks associated with the agency's operations, the agency's demonstrated performance, or other factors that the Director considers relevant.

''(2) The Director shall annually notify the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate of each agency the Director has exempted under this subsection and the reasons for each exemption.

''(f) The term 'covered executive agency'—

''(1) means an executive agency that is not required by another provision of Federal law to prepare and submit to the Congress and the Director of the Office of Management and Budget an audited financial statement for each fiscal year, covering all accounts and associated activities of each office, bureau, and activity of the agency; and

''(2) does not include a corporation, agency, or instrumentality subject to chapter 91 of this title.''.

(b) WAIVER AUTHORITY.—

(1) IN GENERAL.—The Director of the Office of Management and Budget may waive the application of all or part of section 3515(a) of title 31, United States Code, as amended by this section, for financial statements required for the first 2 fiscal years beginning after the date of the enactment of this Act for an agency described in paragraph (2) of this subsection.

(2) AGENCIES DESCRIBED.—An agency referred to in paragraph (1) is any covered executive agency (as that term is defined by section 3515(f) of title 31, United States Code, as amended by subsection (a) of this section) that is not an executive agency identified in section 901(b) of title 31, United States Code.

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

The Chair recognizes the gentleman from California (Mr. HORN).

□ 1415

GENERAL LEAVE

Mr. HORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4685.

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

There was no objection.

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

Mr. Speaker, H.R. 4685, the Proposed Accountability of Tax Dollars Act of 2002, was introduced on May 8 by the distinguished gentleman from Pennsylvania (Mr. TOOMEY). This bill would expand the number of Federal agencies that are required to prepare audited financial statements each year. At present, only 24 Departments and agencies are covered by the Chief Financial Officers Act of 1990, as amended. They now must meet this requirement.

This bill would require that most executive branch agencies produce annual audited financial statements. However, the Office of Management and Budget could exempt agencies with annual budgets of less than $25 million a year. However, to do so it must determine that those agencies do not present risk factors that warrant audited financial statements. I expect this waiver authority to be used rarely, if ever. The bill would also permit the Office of Management and Budget to phase in the financial statement requirement over a 2-year period. This provision would give agencies additional time to prepare if they need it.

The Enron debacle and similar events underscored the need for honest and accurate financial reporting in the private sector. I can assure you, Mr. Speaker, that this need is just as critical in the Federal Government. The Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, which I chair, has held countless hearings on the pervasive financial management problems that confront most Federal agencies. Requiring annual audited financial statements will not solve all of those problems; however, it will bring more agencies closer to providing reliable financial information and holding them accountable to the American taxpayers:

We should bring behavior sanctions to Federal financial officers, who misuse fiscal management.

Many agencies that are not currently required to provide audited financial statements recognize their value. A recent survey conducted by the General Accounting Office found that 12 such agencies were voluntarily producing audited financial statements.

During our subcommittee's May 14 hearing on H.R. 4685, witnesses from four or more of those agencies testified to the importance of audited financial statements in achieving greater accountability.

H.R. 4685 is a bipartisan and commonsense bill. It has the strong support of the General Accounting Office headed by the Comptroller General of the United States and the Office of Management and Budget headed by the director that reports to the President.

Enactment of this bill will help ensure greater accountability over the billions of tax dollars the Federal Government spends each year. I urge all of my colleagues to support this important bill.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania (Mr. TOOMEY), who has done really an excellent job. He has been in and over every line and has spent quite a few hours and weeks on this legislation.

Mr. TOOMEY. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I rise today to urge my colleagues to support H.R. 4685, the Accountability for Tax Dollars Act.

Mr. Speaker, I first introduced this bill actually in the 106th Congress as a good government measure to combat waste, fraud, and abuse at Federal agencies. I reintroduced this legislation in this Congress with bipartisan support.

The Subcommittee on Government Efficiency, Financial Management and Intergovernmental Affairs of the Committee on Government Reform then held a hearing and a markup of the bill before reporting it out favorably. And I want to thank very much the subcommittee chairman, the gentleman from California (Mr. HORN), not only for his support for this legislation, without his help we would not have this bill on the floor today, but in addition to that help, I want to thank him for his career-long commitment to improving the operations of government, improving the management and effectiveness and efficiency, as well as the accountability, of government. The gentleman from California deserves to be recognized for that commitment.

Mr. Speaker, I decided to introduce this legislation when I discovered, much to my surprise, that actually a majority of Federal agencies are not required by law to prepare audited financial statements even though, of course, we mandate that publicly traded private enterprises do in fact perform such audited financial statements. This strikes me as unacceptable for several reasons: first, the agencies themselves really need reliable financial statements in order to evaluate their own operations and operate efficiently. But, secondly, Congress has an important oversight responsibility over all of these agencies. And we cannot conduct that oversight properly if we do not have reliable financial information.

Thirdly, taxpayers themselves ought to be able to look at financial information that they can rely upon so they can evaluate whether their Federal tax dollars are being used appropriately and efficiently.

Finally, the government ought to be willing to impose upon itself those mandates that we are willing and able to impose on the private sector. It is a little bit ironic that Federal law requires, as I said, that publicly traded private companies file audited financial statements with whom? With the SEC. The SEC, who ironically is not required to prepare such audits on themselves.

It is interesting Congress did not formally require that any agency prepare audits on its financial statements until fiscal year 1996. And even then we only required 24 of the largest agencies, those covered by the Chief Financial Officers Act, to perform these audits. The list of agencies that do not audit their financial statements includes large agencies charged with very significant regulatory and fiduciary responsibilities, including the Federal Communications Commission, the Securities and Exchange Commission, the Commodities and Futures Trading Commission, the Equal Employment Opportunity Commission, and the National Labor Relations Board, just to name a few.

Well, in the process of evaluating this issue, I asked the General Accounting Office to survey agencies which are not required to prepare audited financial statements in order that we could learn a little bit about them, and specifically to determine what degree of effort would be required for agencies to implement this requirement, and also whether non-CFO agencies that voluntarily do audit their own financial statements, and there are a number of do, whether they have realized benefits from having done so.

The GAO study was very interesting. It found out that, first of all, the surveyed agencies reported they either achieved significant benefits or anticipated achieving major benefits from auditing their financial statements. Twenty-one of the 26 largest agencies that are not required to audit their financial statements thought that the Federal agencies in fact should be required to audit these financial statements.

All of the surveyed agencies that have voluntarily adopted a standard of auditing their statements reported significant benefits, including enhanced accountability, greater ability to identify inefficiencies and weaknesses, improved internal controls, compliance with statutory requirements, and better monitoring of assets and liabilities. Probably the most convincing result of the GAO survey was the fact that almost all of the agencies that do not prepare audited financial statements reported that the absence of a statutory requirement was the main reason for not doing such an audit.

So what does H.R. 4685 actually do? Well, the Accountability of Tax Dollars Act of 2002 would extend the CFO act requirements currently imposed on the major agencies to all Federal agencies. The act then gives the Office of Management and Budget the authority to waive the audit requirements for agencies with annual budgets less than $25 million. And I share the chairman's hope that this provision will be seldom, if ever, invoked.

Now to ease the transition of this new requirement, the Office of Management and Budget director will be given discretion for the first 2 years to waive the application of this provision for those agencies where he deems it necessary. The agencies covered by this bill have a combined annual budget of tens of billions of dollars, huge significant sums of money that simply should be accounted for more rigorously.

In summary, Mr. Speaker, in our current climate of budget constraints, a Federal agency really should be able to demonstrate measurable outcomes and demonstrate it with audited financial statements. Audits make an agency's transactions public so that an agency can be evaluated on how well their programs perform; and how well they are fulfilling their mission, rewarding the successful agencies, and, frankly, withholding resources from those who are failing can only be achieved if we have complete and audited financial information on which we can rely to make our judgments.

Mr. Speaker, I believe that H.R. 4685 takes us one step closer to achieving this goal. Both the GAO and the administration support this bill. It was introduced with bipartisan support. I would like to thank my colleague from Pennsylvania (Mr. KANJORSKI) for being an original cosponsor of this bill. I also want to thank the GAO for their work in looking into this issue, and my staff for the hard work that they did in determining an appropriate response to this. I relied on the expertise of the GAO and the staff and their insights regarding the costs and benefits of implementing this rule.

Once again, I want to thank the gentleman from California (Mr. HORN) for making it possible to have this bill on the floor today.

Mr. Speaker, I urge my colleagues to support this important good government legislation.

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

Mr. Speaker, I rise in support of H.R. 4685. It is a bill to improve the financial accountability of the executive branch agencies.

The bill before us today extends the requirements for audited financial

statements to nearly all executive branch agencies. Unfortunately, this bill provides no funds to pay for those audits. The result is that the money spent to pay for these audits would otherwise be used by the Inspectors General to investigate waste, fraud and abuse. I believe strongly that Congress should fund what it authorizes.

Mr. Speaker, I have been pleased to work with the gentleman from California (Mr. HORN) on this and other financial management activities in the Committee on Government Reform. We share a belief that sound financial management gives us greater freedom to fund the many programs designed to help the public and that shoddy financial management directly impacts every taxpayer in this country and particularly harms the most vulnerable of our citizens.

Bad financial management is a double crime. First, it is wrong to disregard the value of taxpayer funds by wasting them through mismanagement. Second, it denies taxpayers the services for which they have paid their taxes. Unfortunately, the bill we have on the floor today is not the bill we have passed out of our subcommittee. The bill we have passed included a section that required the agencies covered under this bill to conform to the accounting standards set out in the Federal Financial Management Improvement Act of 1996. The administration insisted that those provisions be stripped from the bill, or it would block the bill from coming before the House today. I find this turn of events disappointing.

I am disappointed because we are passing a weaker bill than should be passed and because we are acquiescing to an unreasonable demand by the Bush administration. Our actions send a signal to the public that Congress is not serious enough about accounting standards. If there is any time in our history that we should be demanding greater accountability from government agencies, it is today.

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Requiring agencies to follow the standards of the Federal Financial Management Improvement Act is not new. In fact, every year, as part of its financial review of the executive branch, the General Accounting Office reports to Congress on whether each agency is conforming within the provisions of this Act. The Act requires agencies to put in place policies and systems that lead to sound financial management on a day-to-day basis. Frankly, I am puzzled that the Bush administration opposes this kind of sound financial management.

This administration talks a lot about its management initiatives and improving accountability in the government. However, it is very careful to make sure that it is the Office of Management and Budget that sets the rules by which agencies are graded. I am afraid that the administration's opposition to the accounting standards that were in this bill is just one more attempt to make sure that OMB, and not Congress, sets the standards by which agencies are judged. It is very easy to claim success when you define what success is.

The bill before us today is not just about accounting standards. The title is the Accountability for Tax Dollars Act, and I would like to speak to that topic.

The chart in the well shows the Federal deficit in surpluses for the years 1980 to 2001 and projections of the deficit through 2010. As my colleagues can see, after a few years of surplus at the end of the Clinton administration, we are back to the deficit spending of the Reagan and Bush, Senior, administrations.

I believe that it is important for the American public to understand just who is accountable in this situation. The administration would like the public to believe that the recession and the attacks of last September are responsible for these deficits, but that is not true.

The second chart, based on data from the Congressional Budget Office, shows that the single biggest cause of the deficits in this year and into the future is the Bush tax cut.

When President Clinton signaled to the world that he was serious about balancing the budget, it had an important effect. International investment began to flow into the U.S. economy and was one of the engines of the expansion of the 1990s. These deficits will have the opposite effect, holding back the economy and taking a toll on everyone.

We have already seen that happening. Last week, the Department of Commerce announced that the poverty rate was up and household income was down. The last time we saw poverty go up and income go down was during the recession in 1991.

Mr. Speaker, I support the bill before us today. However, it is unfortunate that we are not also considering a bill that I introduced, the First Things First Act. My bill truly addresses the problem of accountability for tax dollars by preventing further implementation of the Bush tax cuts, provisions that overwhelmingly benefit the rich and are fueling the Bush recession.

My bill puts further implementation of the tax cuts for the top bracket on hold until we can pay for the needs created by the terrorist attack last year, until we can ensure the solvency of Social Security and Medicare trust funds, until we can provide a comprehensive prescription drug benefit under Medicare, until we can ensure Federal funding for school modernization and hiring 100,000 teachers, and until we reduce the number of people who face homelessness and substandard housing.

Mr. Speaker, I ask that my colleagues pass the bill before us today, and I ask my colleagues to be truly accountable to the American public for their tax dollars. It is our patriotic duty to ensure that every tax dollar is accounted for and that agencies like the Department of Defense, which cannot account for over $1 trillion in transactions, clean up their books and their acts.

I would like to take a personal note, Mr. Speaker, to just thank the Chairman of the Subcommittee of Government Efficiency, Financial Management and Intergovernmental Relations. I want to commend him and thank the gentleman not only for the many courtesies that he has shown to me, as the ranking Democrat on that committee, and not only for the many, many things I learned from him on how to carry out the role of chairman with integrity and fairness, but I want to thank him for his service to the American people.

He has been relentless in his pursuit of government efficiency and financial management. He has had over a dozen hearings around the country on our capacity to deal with some of the threats of the terrorist attacks, and this decent and dedicated leader of our country will be deeply missed as he retires. He deserves all of our thanks.

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

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

I thank the fine speech of the gentlewoman from Illinois (Ms. SHAKOWSKY). She has worked in our committee on good government matters; and, of course, she comes from Chicago, so she knows where there needs a little work up there, but I thank her.

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

The SPEAKER pro tempore (Mr. CANTOR). The question is on the motion offered by the gentleman from California (Mr. HORN) that the House suspend the rules and pass the bill, H.R. 4685, as amended.

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

A motion to reconsider was laid on the table.

SMALL WEBCASTER AMENDMENTS ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5469) to suspend for a period of 6 months the determination of the Librarian of Congress of July 8, 2002, relating to rates and terms for the digital performance of sound recordings and ephemeral recordings, as amended.

The Clerk read as follows:

H.R. 5469

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 ''Small Webcaster Amendments Act of 2002''.

SEC. 2. EPHEMERAL ROYALTY RATES FOR ELIGIBLE SMALL WEBCASTERS.

Section 112(e) of title 17, United States Code, is amended—

(1) in paragraph (4), by inserting immediately before the period at the end of the first sentence the following: '', except that the royalty payable under this section for any reproduction of a phonorecord made during the period beginning on October 28, 1998, and ending on December 31, 2004, and used solely by an eligible small webcaster to facilitate transmissions for which it pays royalties as and when provided in section 114(f)(2)(D) shall be deemed to be included within such royalty payments''; and

(2) in paragraph (6), by adding at the end the following: ''Notwithstanding the preceding provisions of this paragraph, the royalty payable under this section for any reproduction of a phonorecord made during the period beginning on October 28, 1998, and ending on December 31, 2004, and used solely by an eligible small webcaster to facilitate transmissions for which it pays royalties as and when provided in section 114(f)(2)(D) shall be deemed to be included within such royalty payments.''

SEC. 3. ROYALTY RATES AND NOTICE AND RECORDKEEPING FOR ELIGIBLE SMALL WEBCASTERS.

(a) PROVISION FOR CERTAIN RATES.—Section 114(f)(2) of title 17, United States Code, is amended—

(1) in subparagraph (B), by inserting immediately before the period at the end of the first sentence the following: '', except that the royalty rates for certain public performances of sound recordings shall be as provided in subparagraph (D)''; and

(2) in subparagraph (C), by adding after clause (iii) the following:

''(iv) Notwithstanding the preceding provisions of this subparagraph, the royalty rates and terms for certain public performances of sound recordings by certain entities shall be as provided in subparagraph (D).''.

(b) RATES FOR ELIGIBLE SMALL WEBCASTERS.—Section 114(f)(2) of title 17, United States Code, is amended by adding after subparagraph (C) the following:

''(D)(i) Subject to clause (iii) and paragraph (3), but notwithstanding any other provision of this paragraph, an eligible small webcaster may, as provided in clause (ii)(VII), for the period beginning on October 28, 1998, and ending on December 31, 2002, or one or both of calendar years 2003 and 2004, elect the royalty rates specified in this clause in lieu of any other applicable royalty rates:

''(I) For eligible nonsubscription transmissions made by an eligible small webcaster during the period beginning on October 28, 1998, and ending on December 31, 2002, the royalty rate shall be 8 percent of the webcaster's gross revenues during such period, or 5 percent of the webcaster's expenses during such period, whichever is greater, except that an eligible small webcaster that is a natural person shall exclude from expenses those expenses not incurred in connection with the operation of a service that makes eligible nonsubscription transmissions, and an eligible small webcaster that is a natural person shall exclude from gross revenues his or her income during such period, other than income derived from—

''(aa) a media or entertainment related business that provides audio or other entertainment programming, or

''(bb) a business that primarily operates an Internet or wireless service,

that is in either case directly or indirectly controlled by such natural person, or of which such natural person beneficially owns 5 percent or more of the outstanding voting or non-voting stock.

''(II) For eligible nonsubscription transmissions made by an eligible small webcaster during 2003 or 2004, the royalty rate shall be 10 percent of the eligible small webcaster's first $250,000 in gross revenues and 12 percent of any gross revenues in excess of $250,000 during the applicable year, or 7 percent of the webcaster's expenses during the applicable year, whichever is greater.

''(ii) Notwithstanding paragraph (4)(C), payment of the amounts specified in clause (i) shall be made as follows:

''(I) Except as provided in clause (iii)(I) and (IV), the amounts specified in clause (i)(I) for eligible nonsubscription transmissions made by an eligible small webcaster during the period beginning on October 28, 1998, and ending on September 30, 2002, shall be paid in three equal installments, with the first due by November 30, 2002, the second due by May 31, 2003, and the third due by October 31, 2003.

''(II) The amounts specified in clause (i) for eligible nonsubscription transmissions made by an eligible small webcaster during October 2002 or any month thereafter shall be paid on or before the twentieth day of the month next succeeding such month.

''(III) If the gross revenues, plus the third party participation revenues and revenues from the operation of new subscription services, of a transmitting entity and its affiliates have not exceeded $1,250,000 in any year, and the transmitting entity expects to be an eligible small webcaster in 2003 or 2004, the transmitting entity may make payments for 2003 or 2004, as the case may be, on the assumption that it will be an eligible small webcaster for that year for so long as that assumption is reasonable.

''(IV) In making payments under clause (i)(II), the webcaster shall, at the time a payment is due, calculate its gross revenues and expenses for the year through the end of the applicable month, and for the applicable month pay the applicable percentage of gross revenues or expenses, as the case may be, for the year through the end of the applicable month, less any amounts previously paid for such year.

''(V) If a transmitting entity has made payments under clause (i)(II) for 2003 or 2004 based on the assumption that it will qualify as an eligible small webcaster, as provided in subclause (IV), but the actual gross revenues in 2003, or the actual gross revenues, third party participation revenues, and revenues from the operation of new subscription services in 2004, of the eligible small webcaster and its affiliates, exceed the maximum amounts provided in clause (vi)(II), then the transmitting entity shall immediately commence to pay monthly royalties based on the royalty rates otherwise applicable under this subsection, and on the third payment date after the month in which such maximum amounts are exceeded, it shall pay an amount of royalties based on such otherwise applicable rates for the whole year through the end of the immediately preceding month, less any amounts previously paid under clause (i) for such year.

''(VI) Payments of all amounts specified in clause (i) shall be made to the entity designated by the Copyright Office to receive royalty payments under this section and shall under no circumstances be refundable, but if an eligible small webcaster makes overpayments during a year, it shall be entitled to a credit in the amount of its overpayment, and such credit shall be applicable to its payments in subsequent years.

''(VII) An eligible small webcaster that wishes to elect the royalty rates specified in clause (i) in lieu of any other royalty rates that otherwise might apply under this subsection for the period beginning on October 28, 1998, and ending on December 31, 2002, or one or both of calendar years 2003 and 2004, shall file an election with the Copyright Office and serve it on each entity designated by the Copyright Office to distribute royalty payments under this section to copyright owners and performers entitled to receive royalties under subsection (d)(2) by no later than the first date on which the webcaster is obligated under this clause to make a royalty payment for such period. An eligible small webcaster that fails to make a timely election shall pay royalties as otherwise provided under this section. As a condition of such election, an eligible small webcaster shall—

''(aa) make available to the entity designated to receive royalties under this section, on request at any time during the 3 years following the applicable period, sufficient evidence to support its eligibility as an eligible small webcaster; and

''(bb) provide to such entity, by not later than January 31 of the year following the applicable period, an accounting of its third party participation revenues.

The entity designated to receive royalties under this section may share with individual copyright owners the accounting provided by an eligible small webcaster under division (bb) if such entity does so in such a way that the eligible small webcaster cannot readily be identified.

''(iii) Notwithstanding clause (i), eligible small webcasters that elect the royalty rates specified in clause (i) shall pay a minimum fee for the periods specified in this clause, as follows:

''(I) For eligible nonsubscription transmissions made by an eligible small webcaster during the period beginning on October 28, 1998, and ending on December 31, 1998, the minimum fee for the year shall be $500.

''(II) For eligible nonsubscription transmissions made by an eligible small webcaster in any part of calendar years 1999 through 2002, the minimum fee for each year in which such transmissions are made shall be $2,000.

''(III) For eligible nonsubscription transmissions made by an eligible small webcaster in any part of calendar years 2003 and 2004, the minimum fee for each year in which such transmissions are made shall be $2,000 if the eligible small webcaster had gross revenues during the immediately preceding year of not more than $50,000 and expects to have gross revenues during the applicable year of not more than $50,000.

''(IV) For eligible nonsubscription transmissions made by an eligible small webcaster in any part of calendar years 2003 and 2004, the minimum fee for each year in which such transmissions are made shall be $5,000 if the eligible small webcaster had gross revenues during the immediately preceding year of more than $50,000 or expects to have gross revenues during the applicable year of more than $50,000.

''(V) The minimum fees specified in subclauses (I) and (II) shall be paid within 30 days after the date of the enactment of the Small Webcaster Amendments Act of 2002, except in the case of an eligible small webcaster with gross revenues during the period beginning on October 28, 1998, and ending on December 31, 2002, of not more than $100,000, which may pay such minimum fees in three equal installments at the times specified in clause (ii)(I). The minimum fees specified in subclauses (III) and (IV) shall be paid in two equal installments, with the first due by January 31 of the applicable year and the second due by June 30 of the applicable year.

''(VI) Payments of all amounts specified in this clause shall be made to the entity designated by the Copyright Office to receive royalty payments under this section and shall under no circumstances be refundable.

''(VII) All amounts paid under this clause shall be fully creditable toward amounts due under clauses (i) and (ii) for the same year.

''(iv) Subject to paragraph (3), but notwithstanding any other provision of this paragraph, a noncommercial, non-FCC webcaster may, for the period beginning on October 28, 1998, and ending on December 31, 2002, or one or both of calendar years 2003 and 2004, elect the royalty rates specified in this clause in lieu of any other royalty rates that otherwise might apply under this section. The royalty rate shall be .02 cents per performance. For the purpose of this clause, the term 'performance' has the meaning given that term in section 261.2 of title 37, Code of Federal Regulations, as published in the Federal Register on July 8, 2002. Such royalties shall be payable at the times specified in clause (ii)(I) and (II). Noncommercial, non-FCC webcasters shall pay a minimum fee, for any part of calendar years 1998 through 2004, of $500 for each year in which such performances are made. Such minimum fee shall be fully creditable toward royalties due for the same year. For performances made during the period beginning on October 28, 1998, and ending on December 31, 2002, such minimum fee shall be paid within 30 days after the date of the enactment of the Small Webcaster Amendments Act of 2002. The minimum fee for a subsequent year shall be paid by January 31 of that year. All payments specified in this clause shall be made to the entity designated by the Copyright Office to receive royalty payments under this section and shall under no circumstances be refundable.

''(v) Any otherwise applicable terms determined in accordance with this paragraph and applicable to payments under this paragraph shall apply to payments under this subparagraph except to the extent inconsistent with this subparagraph.

''(vi) The rates and terms set forth in this subparagraph shall not constitute evidence of rates and terms that would have been negotiated in the marketplace between a willing buyer and a willing seller or that meet the objectives set forth in section 801(b)(1).

''(E) As used in subparagraph (D), the following terms have the following meanings:

''(i) An 'affiliate' of a transmitting entity is a person or entity that directly, or indirectly through one or more intermediaries —

''(I) has securities or other ownership interests representing more than 50 percent of such person's or entity's voting interests beneficially owned by—

''(aa) such transmitting entity; or

''(bb) a person or entity beneficially owning securities or other ownership interests representing more than 50 percent of the voting interests of the transmitting entity;

''(II) beneficially owns securities or other ownership interests representing more than 50 percent of the voting interests of the transmitting entity; or

''(III) otherwise controls, is controlled by, or is under common control with the transmitting entity.

''(ii) A 'beneficial owner' of a security or other ownership interest is any person or entity who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise, has or shares voting power with respect to such security or other ownership interest.

''(iii) The term 'control' means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person or entity, whether through the ownership of voting securities, by contract or otherwise.

''(iv)(I) Subject to subclause (II), an 'eligible small webcaster' is a webcaster (as defined in section 261.2 of title 37, Code of Federal Regulations, as published in the Federal Register on July 8, 2002) that—

''(aa) for the period beginning on October 28, 1998, and ending on December 31, 2002, has gross revenues during the period beginning on November 1, 1998, and ending on June 30, 2002, of not more than $1,000,000;

''(bb) for 2003, together with its affiliates, has gross revenues during 2003 of not more than $500,000; and

''(cc) for 2004, together with its affiliates, has gross revenues, third party participation revenues, and revenues from the operation of new subscription services during 2004 of not more than $1,250,000.

''(II) In determining qualification under subclauses (I)(bb) and (cc), a transmitting entity shall exclude—

''(aa) income of an affiliate that is a natural person, other than income such natural person derives from another affiliate of such natural person that is either a media or entertainment related business that provides audio or other entertainment programming, or a business that primarily operates an Internet or wireless service; and

''(bb) gross revenues of any affiliate that is not engaged in a media or entertainment related business that provides audio or other entertainment programming, and is not engaged in a business that primarily operates an Internet or wireless service, if the only reason such affiliate is affiliated with the transmitting entity is that it is under common control of the same natural person or both are beneficially owned by the same natural person.

''(v) The term 'expenses'—

''(I) means all costs incurred (whether actually paid or not) by an eligible small webcaster, except that capital costs shall be treated as expenses allocable to a period only to the extent of charges for amortization or depreciation of such costs during such period as are properly allocated to such period in accordance with United States generally accepted accounting principles (GAAP);

''(II) includes the fair market value of all goods, services, or other non-cash consideration (including real, personal, tangible, and intangible property) provided by an eligible small webcaster to any third party in lieu of a cash payment and the fair market value of any goods or services purchased for or provided to an eligible small webcaster by an affiliate of such webcaster; and

''(III) shall not include—

''(aa) the imputed value of personal services rendered by up to 5 natural persons who are, directly or indirectly, owners of the eligible small webcaster, and for which no compensation has been paid;

''(bb) the imputed value of occupancy of residential property for which no Federal income tax deduction is claimed as a business expense; or

''(cc) costs of purchasing phonorecords of sound recordings used in the eligible small webcaster's service.

''(vi) The term 'gross revenues'—

''(I) means all revenue of any kind earned by a person or entity, less —

''(aa) revenue from sales of phonorecords and digital phonorecord deliveries of sound recordings;

''(bb) the person or entity's actual cost of other products and services actually sold through a service that makes eligible nonsubscription transmissions, and related sales and use taxes imposed on such transactions, costs of shipping such products, allowance for bad debts, and credit card and similar fees paid to unrelated third parties;

''(cc) revenue from the operation of a new subscription service for which royalties are paid in accordance with provisions of this section other than this subparagraph; and

''(dd) revenue from the sale of assets in connection with the sale of all or substantially all of the assets of such person's or entity's business, or from the sale of capital assets; and

''(II) includes—

''(aa) all cash or cash equivalents;

''(bb) the fair market value of goods, services, or other non-cash consideration (including real, personal, tangible, and intangible property); and

''(cc) amounts earned by such person or entity but paid to an affiliate of such person or entity in lieu of payment to such person or entity.

Gross revenues shall be calculated in accordance with United States generally accepted accounting principles (GAAP), except that a transmitting entity that computes Federal taxable income on the basis of the cash receipts and disbursements method of accounting for any taxable year may compute its gross receipts for any period included in such taxable year on the same basis.

''(vii) A 'noncommercial, non-FCC webcaster' is a webcaster as defined in section 261.2 of title 37, Code of Federal Regulations, as published in the Federal Register on July 8, 2002, that is exempt from taxation under section 501 of the Internal Revenue Code of 1986 (26 U.S.C. 501).

''(viii) The 'third party participation revenues' of a transmitting entity are revenues of any kind earned by a person or entity, other than the transmitting entity, including those identified in divisions (aa), (bb), and (cc) of clause (vi)(II)—

''(I) that relate to the public performance of sound recordings and are subject to an economic arrangement in which the transmitting entity receives anything of value; or

''(II) that are earned by such person or entity from the sale of advertising of any kind in connection with the transmitting entity's eligible nonsubscription transmissions.''.

(c) NOTICE AND RECORDKEEPING.—Section 114(f)(4)(A) of title 17, United States Code, is amended—

(1) by striking ''(A) The'' and inserting ''(A)(i) Subject to clauses (ii) and (iii), the''; and

(2) by adding at the end the following:

''(ii) For either or both of calendar years 2003 and 2004, an eligible small webcaster that makes an election pursuant to paragraph (2)(D)(ii)(VII) for any year shall, for that year, keep records, and make available to copyright owners of sound recordings reports of use, covering the following on a channel by channel basis:

''(I) The featured recording artist, group or orchestra.

''(II) The sound recording title.

''(III) The title of the retail album or other product (or, in the case of compilation albums created for commercial purposes, the name of the retail album identified by the eligible small webcaster for purchase of the sound recording).

''(IV) The marketing label of the commercially available album or other product on which the sound recording is found—

''(aa) for all albums or other products commercially released after 2002; and

''(bb) in the case of albums or other products commercially released before 2003, for 67 percent of the eligible small webcaster's digital audio transmissions of such pre-2003 releases during 2003 and all of the eligible small webcaster's digital audio transmissions during 2004.

''(V) The International Standard Recording Code (ISRC) embedded in the sound recording, if available—

''(aa) for all albums or other products commercially released after 2002; and

''(bb) in the case of albums or other products commercially released before 2003, for 50 percent of the eligible small webcaster's digital audio transmissions of such pre-2003 releases during 2003, and for 75 percent of the eligible small webcaster's digital audio transmissions of such pre-2003 releases during 2004, to the extent that such information concerning such pre-2003 releases can be provided using commercially reasonable efforts.

''(VI) The copyright owner information provided in the copyright notice on the retail album or other product (e.g., following the symbol (P) (the letter P in a circle) or, in the case of compilation albums created for commercial purposes, in the copyright notice for the individual track)—

''(aa) for all albums or other products commercially released after 2002; and

''(bb) in the case of albums or other products commercially released before 2003, for 50 percent of an eligible small webcaster's digital audio transmissions of such pre-2003 releases during 2003, and for 75 percent of an eligible small webcaster's digital audio transmissions of such pre-2003 releases during 2004, to the extent that such information concerning such pre-2003 releases can be provided using commercially reasonable efforts.

''(VII) The aggregate tuning hours, on a monthly basis, for each channel provided by the eligible small webcaster as computed by a recognized industry ratings service or as computed by the eligible small webcaster from its server logs. For the purpose of this subclause, the term 'aggregate tuning hours' has the meaning given that term in section 261.2 of title 37, Code of Federal Regulations, as published in the Federal Register on July 8, 2002.

''(VIII) The channel for each transmission of each sound recording.

''(IX) The start date and time of each transmission of each sound recording.

''(iii) Reports of use described in clause (ii) shall be provided, at the same time royalty payments are due under paragraph (2)(D)(ii)(II), to the entity designated by the Copyright Office to distribute royalty payments under this section.

''(iv) For calendar years 2003 and 2004, details of the means by which copyright owners may receive notice of the use of their sound recordings, and details of the requirements under which reports of use concerning the matters identified in clause (ii) shall be made available, shall be as provided in regulations issued by the Librarian of Congress under clause (i).''.

SEC. 4. DEDUCTIBILITY OF COSTS AND EXPENSES OF AGENTS AND DIRECT PAYMENT TO ARTISTS OF ROYALTIES FOR DIGITAL PERFORMANCES OF SOUND RECORDINGS.

(a) FINDINGS.—The Congress finds that—

(1) in the case of royalty payments from the licensing of digital transmissions of sound recordings under subsection (f) of section 114 of title 17, United States Code, the parties have voluntarily negotiated arrangements under which payments shall be made directly to featured recording artists and the administrators of the accounts provided in subsection (g)(2) of that section;

(2) such voluntarily-negotiated payment arrangements have been codified in regulations issued by the Librarian of Congress, currently found in section 261.4 of title 37, Code of Federal Regulations, as published in the Federal Register on July 8, 2002;

(3) other regulations issued by the Librarian of Congress were inconsistent with the voluntarily-negotiated arrangements by such parties concerning the deductibility of certain costs incurred for licensing and arbitration, and the Congress is therefore restoring those terms as originally negotiated among the parties; and

(4) in light of the special circumstances described in this subsection, the uncertainty created by the regulations issued by the Librarian of Congress, and the fact that all of the interested parties have reached agreement, the voluntarily-negotiated arrangements agreed to among the parties are being codified.

(b) DEDUCTIBILITY.—Section 114(g) of title 17, United States Code, is amended by adding after paragraph (2) the following:

''(3) A nonprofit agent designated to distribute receipts from the licensing of transmissions in accordance with subsection (f) may deduct from any of its receipts, prior to the distribution of such receipts to any person or entity entitled thereto, the reasonable costs of such agent incurred after November 1, 1995, in—

''(A) the administration of the collection, distribution, and calculation of the royalties;

''(B) the settlement of disputes relating to the collection and calculation of the royalties; and

''(C) the licensing and enforcement of rights with respect to the making of ephemeral recordings and performances subject to licensing under section 112 and this section, including those incurred in participating in negotiations or arbitration proceedings under section 112 and this section.''.

(c) DIRECT PAYMENT TO ARTISTS.—Section 114(g)(2) of title 17, United States Code, is amended to read:

''(2) An agent designated to distribute receipts from the licensing of transmissions in accordance with subsection (f) shall distribute such receipts as follows:

''(A) 50 percent of the receipts shall be paid to the copyright owner of the exclusive right under section 106(6) of this title to publicly perform a sound recording by means of a digital audio transmission.

''(B) 2-1/2 percent of the receipts shall be deposited in an escrow account managed by an independent administrator jointly appointed by copyright owners of sound recordings and the American Federation of Musicians (or any successor entity) to be distributed to nonfeatured musicians (whether or not members of the American Federation of Musicians) who have performed on sound recordings.

''(C) 2-1/2 percent of the receipts shall be deposited in an escrow account managed by an independent administrator jointly appointed by copyright owners of sound recordings and the American Federation of Television and Radio Artists (or any successor entity) to be distributed to nonfeatured vocalists (whether or not members of the American Federation of Television and Radio Artists) who have performed on sound recordings.

''(D) 45 percent of the receipts shall be paid, on a per sound recording basis, to the recording artist or artists featured on such sound recording (or the persons conveying rights in the artists' performance in the sound recordings).''.

SEC. 5. REPORT TO CONGRESS.

(a) FINDINGS.—The Congress finds that—

(1) eligible small webcasters have economic arrangements with third parties, as a result of which third parties, many of them large businesses, realize a significant portion of the revenues generated from the use of sound recordings in the services operated by eligible small webcasters; and

(2) as a result of these arrangements, any royalty based on revenues realized by an eligible small webcaster may result in recording artists and sound recording copyright owners receiving a royalty based on revenues that are a fraction of the total revenues generated from the use of the sound recordings under statutory license.

(b) REPORT TO CONGRESS.—By not later than June 1, 2004, the Register of Copyrights and the Comptroller General of the Untied States shall prepare and submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a joint report concerning—

(1) the economic arrangements among eligible small webcasters and third parties and their consequences for the ability of recording artists and sound recording copyright owners to be compensated appropriately on a percentage of revenue basis; and

(2) the economic incentives that percentage of revenue statutory rates create for structuring economic arrangements among eligible small webcasters and third parties that may be to the detriment of recording artists and sound recording copyright owners.

(c) DEFINITION.—In this section, the term ''eligible small webcaster'' has the meaning given that term in section 114(f)(2)(E) of title 17, United States Code, as added by section 3 of this Act.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5469, the bill currently under consideration.

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

There was no objection.

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

Mr. Speaker, the 1995 Digital Performance Right and Sound Recording Act that created a performance right in sound recordings for digital transmissions did not specifically address the issue of webcasting or Internet radio broadcasts. As a result, the 1998 Digital Millennium Copyright Act contains provisions that authorize eligible webcasters to accept a compulsory license, thereby enabling them to operate over the Internet without negotiating licenses in the marketplace. A compulsory license essential allows an individual or entity to use copyrighted works like music and movies at an industry-negotiated or government-mandated rate.

Because webcasters and members of the recording industry could not agree to a rate, a statutorily authorized arbitration panel, called a CARP, was convened at the U.S. Copyright Office to determine what the rate would be. The arbitrators issued a decision on February 20, 2002. The copyright holders in the recording industry thought that the rate was too low, and the webcasters thought that the rate was too high.

Pursuant to his authority under the Copyright Act, the Librarian of Congress, based upon a recommendation by the Register of Copyrights, decided on June 8 to reject the suggestions of the webcasting CARP. On June 20, he issued a final decision which lowered the rate further. Some webcasters believe that the rate is still excessive. The copyright holders maintain that this lower rate is even less reflective of a fair market standard. That decision is now on appeal to the United States Court of Appeals for the District of Columbia circuit.

Although a resolution to this dispute is legally in play, implementation of the decision by the Librarian takes effect on October 20 and is retroactive to 1998. Unless Congress acts, some webcasters will shut down. This explains the point of H.R. 5469 as originally drafted: to suspend the implementation of the Librarian's decision for 6 months, effective October 20. This delay would ensure that all parties would receive all of the judicial process to which they are entitled under the law before the rate took effect.

I am happy to report that introduction of this bill placed a burr under the saddle of both the copyright holders and the small webcasters to conclude negotiations on these matters that began last summer. Since last week, the parties have negotiated around the clock. They have now arrived at a deal that sets new rates and payment terms that will obviate the need for further legal and administrative intervention. The manager's amendment simply codifies the terms of that deal.

Mr. Speaker, this solution is fair to both sides, the small webcasters as well as the copyright holders. It dovetails with the purpose of the Copyright Act in these cases, that is, to encourage parties to develop their own agreements governing rates and terms. I am happy to report that the parties have agreed today, as evidenced by the manager's amendment. I urge my colleagues to support the bill.

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

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

I rise in support of the manager's amendment to H.R. 5469.

Last week, the Chairman introduced a bill which was scheduled for the suspension file, which I reacted initially to, assumed was a rather ham-handed effort to force the copyright owners, the recording artists, the backup musicians and vocalists to wait at least another 6 months before they receive the royalties they were entitled to under the performance right we legislated in 1995, as amended by the compulsory license in the Digital Millennium Copyright Act.

I was wrong. The Chairman had a method to the ham-handedness, and the result of his legislative effort was to pull the parties together, the webcasters, recording industry and the other affected parties, and put together an excellent proposal which, as adjusted by a few matters just today, I think builds a broad base of support for this proposal.

The manager's amendment will greatly benefit small webcasters. Under this legislation, small webcasters will receive a huge discount on the webcasting royalties they are required to pay pursuant to a July decision by the Librarian of Congress.

From the small webcasters' perspective, this legislation is particularly beneficial because it allows them to pay royalties as a percentage of revenue. Small webcasters vehemently objected to the Librarian's decision because it required them to pay royalties on a per song per listener basis.

The terms of the deal are somewhat complicated, but the basic provisions are this. Small webcasters pay webcasting royalties that equal 8 percent of their gross revenues for the years 1998 through 2002, or a statutory minimum, whichever is greater. In 2003 and 2004, small webcasters will pay the greater of 10 percent of their gross revenues under $250,000 and 12 percent of their gross revenues over $250,000, or 7 percent of expenses.

The criteria for eligibility as a small webcaster are reasonable and allow such webcasters to grow and yet still obtain the royalty discount provided by the legislation. A webcaster will be eligible for the discounted royalty rate for the past 4 years if it had less than $1 million in gross revenues over those four years. A webcaster will be eligible in the year 2003 if it has gross revenues under $500,000 for that calendar year and in 2004 if it has gross revenues under $1.25 million.

While it drastically cuts the royalties to be paid copyright owners and artists, this legislation has the support of the recording industry. The legislation also requires that artists get direct payment of webcasting royalties and thus gives them something that they stated was necessary to garner their support; and it is a result of that that the American Federation of Radio and Television Artists, the American Federation of Musicians, the Screen Actor's Guild and the AFL–CIO are supportive of this legislation.

The recording industry and small webcasters are to be commended for working so hard to agree on terms, and the Chairman is to be commended for driving them to this agreement.

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The recording industry and small webcasters are to be commended for working so hard to agree on terms, and the chairman is to be commended for driving them to this agreement.

In sum, this legislation provides small webcasters with much better terms than the webcasting rates set by the Librarian of Congress. As such, it addresses the concerns that the Librarian's rate might drive many small webcasters out of business.

Mr. Speaker, I was wondering if I might engage with the chairman of the committee in a colloquy.

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

Mr. BERMAN. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, I am happy to engage in a colloquy with the gentleman.

Mr. BERMAN. Mr. Speaker, section 4 of this bill requires that agents directed by the copyright office to distribute webcasting royalties must make direct payment of those royalties to featured and nonfeatured recording artists and musicians. Section 4 also allows such agents to deduct their administrative and other reasonable expenses from the royalties they distribute. These provisions are somewhat unusual, so I want to confirm my understanding of their import with the distinguished chairman. It is my understanding that both provisions simply codify what is the current practice in the marketplace. Copyright office regulations require direct payment of royalties for the years 1998 to 2002, and the only distributing agent currently designated by the copyright office has contracted to make direct payments. Further, royalty recipients have agreed to allow that distributing agent to deduct its expenses from royalties. Is it the chairman's understanding that these provisions simply codify those current practices?

Mr. SENSENBRENNER. Yes, that is my understanding.

Mr. BERMAN. Mr. Speaker, I would like to make one other point. It is my understanding that these two provisions in no way interfere with the longstanding U.S. legal doctrine that parties can voluntarily assign, transfer, or allocate through contracts and other marketplace arrangements the rights provided them under U.S. copyright law.

Mr. SENSENBRENNER. If the gentleman will yield further, that is also my understanding.

Mr. BERMAN. I thank the gentleman for confirming my understanding.

Mr. CONYERS. Mr. Speaker, I rise in support of the manager's amendment to H.R. 5469. This legislation reflects a compromise between vocalists, recording artists, background musicians, record labels, and small webcasters.

This bill has several provisions that will make it easier for music to be performed online and for the creators to be compensated. First, it incorporates an agreement that was reached between the content owners and the small webcasters on royalty rates for Internet broadcasts from 1998 through 2004.

I am especially pleased that the final legislation includes a statutory direct payment provision. This provision ensures the musicians, vocalists, and artists receive their royalties from digital music directly from the collection agent instead of through other intermediaries.

Ms. McCARTHY of Missouri. Mr. Speaker, I rise in support of H.R. 5469, the Small Webcaster Amendments Act of 2002. This bill codifies a compromise between webcasters, recording artists, and record companies to determine royalty payments for Internet radio broadcasts. I opposed the bill in its original

form last week when it delayed the payments to copyright holders for six months. The measure allows webcasters to broadcast diverse programming to consumers, artists will be paid the royalty fees they need to continue creating and performing the music we want to hear, and record companies will deduct the administrative fees for royalty collection.

This compromise bill benefits all parties involved. After deductions, record companies will receive 50 percent of the royalty, artists will receive 45 percent of the direct royalty payments, and the rest is distributed to nonfeatured musicians and vocalists. This is a vast improvement from past versions of this bill which left the recording artists out of the equation. Even though webcasters have not begun to make payments, future royalty rights are protected in H.R. 5469. Small webcasters benefit from a reduced royalty fee, which will keep many webcasters from declaring bankruptcy due to excessively high costs. This lower payment schedule will ensure that Internet radio continues to offer consumers a nearly endless number of listening choices including Latin, classical, and even native African music that may not be available over terrestrial stations. In addition, record companies can deduct the administrative costs associated with royalty collection for digital recordings so that their past and future expenses are reimbursed.

Paying copyright owners for the use of their creative work is not a new concept. In 1909, Congress passed a law to ensure that manufacturers of piano rolls had to pay for the songs they were reproducing. The license protects the composer's right to control reproductions of the work, but permits the recording of a song by a third party on ''mechanical'' media like a piano roll or record. This statute was later expanded to protect digital media, and thus it applies to Internet radio. The Copyright Arbitration Panel (CARP) first met in 1998 to determine royalty fees, but they were unable to come to an agreement between the interested parties. The last piece of the puzzle came in the form of the Librarian of Congress implementing rates for the statutory license on June 20, 2002, with the assumption that Internet radio companies would begin paying royalties on October 20, 2002. The private sector compromise codifies the Librarian's recommendations, and webcasters now have a defined schedule to pay artists for the use of copyrighted works.

I thank my colleagues for their support of H.R. 5469. I am very grateful to the organizations whose negotiations helped craft this important legislation. Due to this agreement, consumers will benefit from a myriad of choices for their listening pleasure.

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

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

The SPEAKER pro tempore (Mr. CANTOR). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 5469, as amended.

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

The title of the bill was amended so as to read: ''A bill to amend title 17, United States Code, with respect to the statutory license for webcasting, and for other purposes.''.

A motion to reconsider was laid on the table.

CHILD ABDUCTION PREVENTION ACT

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5422) to prevent child abduction, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5422

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 ''Child Abduction Prevention Act''.

TITLE I—SANCTIONS AND OFFENSES

SEC. 101. SUPERVISED RELEASE TERM FOR SEX OFFENDERS.

Section 3583 of title 18, United States Code, is amended by adding at the end the following:

''(k) SUPERVISED RELEASE TERMS FOR SEX OFFENDERS.—Notwithstanding subsection (b), the authorized term of supervised release for any offense under section 1201 involving a victim who has not attained the age of 18 years, and for any offense under chapter 109A, 110, 117, or section 1591 is any term of years or life.''.

SEC. 102. FIRST DEGREE MURDER FOR CHILD ABUSE AND CHILD TORTURE MURDERS.

Section 1111 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting ''child abuse,'' after ''sexual abuse,''; and

(B) by inserting ''or perpetrated as part of a pattern or practice of assault or torture against a child or children;'' after ''robbery;''; and

(2) by inserting at the end the following:

''(c) For purposes of this section—

''(1) the term 'assault' has the same meaning as given that term in section 113;

''(2) the term 'child' means a person who has not attained the age of 18 years and is—

''(A) under the perpetrator's care or control; or

''(B) at least six years younger than the perpetrator;

''(3) the term 'child abuse' means intentionally, knowingly, or recklessly causing death or serious bodily injury to a child;

''(4) the term 'pattern or practice of assault or torture' means assault or torture engaged in on at least two occasions;

''(5) the term 'recklessly' with respect to causing death or serious bodily injury—

''(A) means causing death or serious bodily injury under circumstances in which the perpetrator is aware of and disregards a grave risk of death or serious bodily injury; and

''(B) such recklessness can be inferred from the character, manner, and circumstances of the perpetrator's conduct;

''(6) the term 'serious bodily injury' has the meaning set forth in section 1365; and

''(7) the term 'torture' means conduct, whether or not committed under the color of law, that otherwise satisfies the definition set forth in section 2340(1).''.

SEC. 103. SEXUAL ABUSE PENALTIES.

(a) MAXIMUM PENALTY INCREASES.—(1) Chapter 110 of title 18, United States Code, is amended—

(A) in section 2251(d)—

(i) by striking ''20'' and inserting ''30''; and

(ii) by striking ''30'' the first place it appears and inserting ''50'';

(B) in section 2252(b)(1)—

(i) by striking ''15'' and inserting ''20''; and

(ii) by striking ''30'' and inserting ''40'';

(C) in section 2252(b)(2)—

(i) by striking ''5'' and inserting ''10''; and

(ii) by striking ''10'' and inserting ''20'';

(D) in section 2252A(b)(1)—

(i) by striking ''15'' and inserting ''20''; and

(ii) by striking ''30'' and inserting ''40''; and

(E) in section 2252A(b)(2)—

(i) by striking ''5'' and inserting ''10''; and

(ii) by striking ''10'' and inserting ''20''.

(2) Chapter 117 of title 18, United States Code, is amended—

(A) in section 2422(a), by striking ''10'' and inserting ''20'';

(B) in section 2422(b), by striking ''15'' and inserting ''30''; and

(C) in section 2423(a), by striking ''15'' and inserting ''30''.

(3) Section 1591(b)(2) of title 18, United States Code, is amended by striking ''20'' and inserting ''40''.

(b) MINIMUM PENALTY INCREASES.—(1) Chapter 110 of title 18, United States Code, is amended—

(A) in section 2251(d)—

(i) by striking ''or imprisoned not less than 10'' and inserting ''and imprisoned not less than 15'';

(ii) by striking ''and both,'';

(iii) by striking ''15'' and inserting ''25''; and

(iv) by striking ''30'' the second place it appears and inserting ''35'';

(B) in section 2251A(a) and (b), by striking ''20'' and inserting ''30'';

(C) in section 2252(b)(1)—

(i) by striking ''or imprisoned'' and inserting ''and imprisoned not less than 10 years and'';

(ii) by striking ''or both,''; and

(iii) by striking ''5'' and inserting ''15'';

(D) in section 2252(b)(2)—

(i) by striking ''or imprisoned'' and inserting ''and imprisoned not less than 5 years and'';

(ii) by striking ''or both,''; and

(iii) by striking ''2'' and inserting ''10'';

(E) in section 2252A(b)(1)—

(i) by striking ''or imprisoned'' and inserting ''and imprisoned not less than 10 years and'';

(ii) by striking ''or both,''; and

(iii) by striking ''5'' and inserting ''15''; and

(F) in section 2252A(b)(2)—

(i) by striking ''or imprisoned'' and inserting ''and imprisoned not less than 5 years and'';

(ii) by striking ''or both,''; and

(iii) by striking ''2'' and inserting ''10''.

(2) Chapter 117 of title 18, United States Code, is amended—

(A) in section 2422(a)—

(i) by striking ''or imprisoned'' and inserting ''and imprisoned not less than 2 years and''; and

(ii) by striking '', or both'';

(B) in section 2422(b)—

(i) by striking '', imprisoned'' and inserting ''and imprisoned not less than 5 years and''; and

(ii) by striking '', or both''; and

(C) in section 2423(a)—

(i) by striking '', imprisoned'' and inserting ''and imprisoned not less than 5 years and''; and

(ii) by striking '', or both''.

SEC. 104. STRONGER PENALTIES AGAINST KIDNAPPING.

(a) SENTENCING GUIDELINES.—Notwithstanding any other provision of law regarding the amendment of Sentencing Guidelines, the United States Sentencing Commission is directed to amend the Sentencing Guidelines, to take effect on the date that is 30 days after the date of the enactment of this Act—

(1) so that the base level for kidnapping in section 2A4.1(a) is increased from level 24 to level 32 (121–151 months);

(2) so as to delete section 2A4.1(b)(4)(C); and

(3) so that the increase provided by section 2A4.1(b)(5) is 6 levels instead of 3.

(b) MINIMUM MANDATORY SENTENCE.—Section 1201(g) of title 18, United States Code, is amended by striking ''shall be subject to paragraph (2)'' in paragraph (1) and all that follows through paragraph (2) and inserting ''shall include imprisonment for not less than 20 years.''.

SEC. 105. PENALTIES AGAINST SEX TOURISM.

(a) IN GENERAL.—Section 2423 of title 18, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) TRAVEL WITH INTENT TO ENGAGE IN ILLICIT SEXUAL CONDUCT.—A person who travels in interstate commerce or travels into the United States, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, for the purpose of engaging in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 15 years, or both.

''(c) ENGAGING IN ILLICIT SEXUAL CONDUCT IN FOREIGN PLACES.—Any United States citizen or alien admitted for permanent residence who travels in foreign commerce, and engages in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 15 years, or both.

''(d) ANCILLARY OFFENSES.—Whoever arranges, induces, procures, or facilitates the travel of a person knowing that such a person is traveling in interstate commerce or foreign commerce for the purpose of engaging in illicit sexual conduct shall be fined under this title, imprisoned not more than 15 years, or both.

''(e) ATTEMPT AND CONSPIRACY.—Whoever attempts or conspires to violate subsection (a), (b), (c), or (d) shall be punishable in the same manner as a completed violation of that subsection.

''(f) DEFINITION.—As used in this section, the term 'illicit sexual conduct' means (1) a sexual act (as defined in section 2246) with a person that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States; or (2) any commercial sex act (as defined in section 1591) with a person who has not attained the age of 18 years.

''(g) DEFENSE.—In a prosecution under this section based on illicit sexual conduct as defined in subsection (f)(2), it is a defense, which the defendant must establish by a preponderance of the evidence, that the defendant reasonably believed that the person with whom the defendant engaged in the commercial sex act had attained the age of 18 years.''.

(b) CONFORMING AMENDMENT.—Section 2423(a) of title 18, United States Code, is amended by striking ''or attempts to do so,''.

SEC. 106. TWO STRIKES YOU'RE OUT.

(a) IN GENERAL.—Section 3559 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(e) MANDATORY LIFE IMPRISONMENT FOR REPEATED SEX OFFENSES AGAINST CHILDREN.—

''(1) IN GENERAL.—A person who is convicted of a Federal sex offense in which a minor is the victim shall be sentenced to life imprisonment if the person has a prior sex conviction in which a minor was the victim, unless the sentence of death is imposed.

''(2) DEFINITIONS.—For the purposes of this subsection—

''(A) the term 'Federal sex offense' means—

''(i) an offense under section 2241 (relating to aggravated sexual abuse), 2242 (relating to sexual abuse), 2243(a) (relating to sexual abuse of a minor), 2244(a)(1) or (2) (relating to abusive sexual contact), 2245 (relating to sexual abuse resulting in death), or 2251A (relating to selling or buying of children); or

''(ii) an offense under section 2423(a) (relating to transportation of minors) involving prostitution or sexual activity constituting a State sex offense;

''(B) the term 'State sex offense' means an offense under State law that consists of conduct that would be a Federal sex offense if, to the extent or in the manner specified in the applicable provision of this title—

''(i) the offense involved interstate or foreign commerce, or the use of the mails; or

''(ii) the conduct occurred in any commonwealth, territory, or possession of the United States, within the special maritime and territorial jurisdiction of the United States, in a Federal prison, on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country (as defined in section 1151);

''(C) the term 'prior sex conviction' means a conviction for which the sentence was imposed before the conduct occurred constituting the subsequent Federal sex offense, and which was for a Federal sex offense or a State sex offense;

''(D) the term 'minor' means an individual who has not attained the age of 17 years; and

''(E) the term 'State' has the meaning given that term in subsection (c)(2).''.

(b) CONFORMING AMENDMENT.—Sections 2247(a) and 2426(a) of title 18, United States Code, are each amended by inserting '', unless section 3559(e) applies'' before the final period.

TITLE II—INVESTIGATIONS AND PROSECUTIONS

Subtitle A—Law Enforcement Tools To Protect Children

SEC. 201. LAW ENFORCEMENT TOOLS TO PROTECT CHILDREN.

(a) IN GENERAL.—Section 2516(1) of title 18, United States Code, is amended—

(1) in subparagraph (a), by inserting after ''chapter 37 (relating to espionage),'' the following: ''chapter 55 (relating to kidnapping),''; and

(2) in subparagraph (c)—

(A) by striking ''2251 and 2252'' and inserting ''2251, 2251A, 2252, and 2252A''; and

(B) by inserting ''section 2423(b) (relating to travel with intent to engage in a sexual act with a juvenile),'' after ''motor vehicle parts),''.

(b) TRANSPORTATION FOR ILLEGAL SEXUAL ACTIVITY.—Section 2516(1) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (q);

(2) by inserting after paragraph (q) the following:

''(r) a violation of section 2422 (relating to coercion and enticement) and section 2423(a) (relating to transportation of minors) of this title, if, in connection with that violation, the intended sexual activity would constitute a felony violation of chapter 109A or 110, including a felony violation of chapter 109A or 110 if the sexual activity occurred, or was intended to occur, within the special maritime and territorial jurisdiction of the United States, regardless of where it actually occurred or was intended to occur; or''; and

(3) by redesignating paragraph (r) as paragraph (s).

SEC. 202. NO STATUTE OF LIMITATIONS FOR CHILD ABDUCTION AND SEX CRIMES.

(a) IN GENERAL.—(1) Chapter 213 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 3296. Child abduction and sex offenses

''Notwithstanding any other provision of law, an indictment may be found or an information instituted at any time without limitation for any offense under section 1201 involving a minor victim, and for any felony under chapter 109A, 110, or 117, or section 1591.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''3296. Child abduction and sex offenses.''.

(b) APPLICATION.—The amendments made by this section shall apply to the prosecution of any offense committed before, on, or after the date of the enactment of this section.

Subtitle B—No Pretrial Release for Those Who Rape or Kidnap Children

SEC. 221. NO PRETRIAL RELEASE FOR THOSE WHO RAPE OR KIDNAP CHILDREN.

Section 3142(e) of title 18, United States Code, is amended—

(1) by inserting ''1201 (if the victim has not attained the age of 18 years), 1591 (if the victim has not attained the age of 18 years),'' before ''or 2332b''; and

(2) by striking ''of title 18 of the United States Code'' and inserting ''or a felony offense under chapter 109A, 110, or 117 where a victim has not attained the age of 18 years''.

Subtitle C—No Waiting Period To Report Missing Children "Suzanne's Law"

SEC. 241. AMENDMENT.

Section 3701(a) of the Crime Control Act of 1990 (42 U.S.C. 5779(a)) is amended by striking ''age of 18'' and inserting ''age of 21''.

Subtitle D—Recordkeeping to Demonstrate Minors Were Not Used in Production of Pornography

SEC. 261. RECORDKEEPING TO DEMONSTRATE MINORS WERE NOT USED IN PRODUCTION OF PORNOGRAPHY.

Not later than 1 year after enactment of this Act, the Attorney General shall submit to Congress a report detailing the number of times since January 1993 that the Department of Justice has inspected the records of any producer of materials regulated pursuant to section 2257 of title 18, United States Code, and section 75 of title 28 of the Code of Federal Regulations. The Attorney General shall indicate the number of violations prosecuted as a result of those inspections.

TITLE III—PUBLIC OUTREACH

SEC. 301. NATIONAL COORDINATION OF AMBER ALERT COMMUNICATIONS NETWORK.

(a) COORDINATION WITHIN DEPARTMENT OF JUSTICE.—The Attorney General shall assign an officer of the Department of Justice to act as the national coordinator of the AMBER Alert communications network regarding abducted children. The officer so designated shall be known as the AMBER Alert Coordinator of the Department of Justice.

(b) DUTIES.—In acting as the national coordinator of the AMBER Alert communications network, the Coordinator shall—

(1) seek to eliminate gaps in the network, including gaps in areas of interstate travel;

(2) work with States to encourage the development of additional elements (known as local AMBER plans) in the network;

(3) work with States to ensure appropriate regional coordination of various elements of the network; and

(4) act as the nationwide point of contact for—

(A) the development of the network; and

(B) regional coordination of alerts on abducted children through the network.

(c) CONSULTATION WITH FEDERAL BUREAU OF INVESTIGATION.—In carrying out duties under subsection (b), the Coordinator shall notify and consult with the Director of the Federal Bureau of Investigation concerning each child abduction for which an alert is issued through the AMBER Alert communications network.

(d) COOPERATION.—The Coordinator shall cooperate with the Secretary of Transportation and the Federal Communications Commission in carrying out activities under this section.

SEC. 302. MINIMUM STANDARDS FOR ISSUANCE AND DISSEMINATION OF ALERTS THROUGH AMBER ALERT COMMUNICATIONS NETWORK.

(a) ESTABLISHMENT OF MINIMUM STANDARDS.—Subject to subsection (b), the AMBER Alert Coordinator of the Department of Justice shall establish minimum standards for—

(1) the issuance of alerts through the AMBER Alert communications network; and

(2) the extent of the dissemination of alerts issued through the network.

(b) LIMITATIONS.—(1) The minimum standards established under subsection (a) shall be adoptable on a voluntary basis only.

(2) The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), provide that the dissemination of an alert through the AMBER Alert communications network be limited to the geographic areas most likely to facilitate the recovery of the abducted child concerned.

(3) In carrying out activities under subsection (a), the Coordinator may not interfere with the current system of voluntary coordination between local broadcasters and State and local law enforcement agencies for purposes of the AMBER Alert communications network.

(c) COOPERATION.—(1) The Coordinator shall cooperate with the Secretary of Transportation and the Federal Communications Commission in carrying out activities under this section.

(2) The Coordinator shall also cooperate with local broadcasters and State and local law enforcement agencies in establishing minimum standards under this section.

SEC. 303. GRANT PROGRAM FOR NOTIFICATION AND COMMUNICATIONS SYSTEMS ALONG HIGHWAYS FOR RECOVERY OF ABDUCTED CHILDREN.

(a) PROGRAM REQUIRED.—The Secretary of Transportation shall carry out a program to provide grants to States for the development or enhancement of notification or communications systems along highways for alerts and other information for the recovery of abducted children.

(b) ACTIVITIES.—Activities funded by grants under the program under subsection (a) may include—

(1) the development or enhancement of electronic message boards along highways and the placement of additional signage along highways; and

(2) the development or enhancement of other means of disseminating along highways alerts and other information for the recovery of abducted children.

(c) FEDERAL SHARE.—The Federal share of the cost of any activities funded by a grant under the program under subsection (a) may not exceed 50 percent.

(d) DISTRIBUTION OF GRANT AMOUNTS ON GEOGRAPHIC BASIS.—The Secretary shall, to the maximum extent practicable, ensure the distribution of grants under the program under subsection (a) on an equitable basis throughout the various regions of the United States.

(e) ADMINISTRATION.—The Secretary shall prescribe requirements, including application requirements, for grants under the program under subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated for the Department of Transportation $20,000,000 for fiscal year 2003 to carry out this section.

(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

SEC. 304. GRANT PROGRAM FOR SUPPORT OF AMBER ALERT COMMUNICATIONS PLANS.

(a) PROGRAM REQUIRED.—The Attorney General shall carry out a program to provide grants to States for the development or enhancement of programs and activities for the support of AMBER Alert communications plans.

(b) ACTIVITIES.—Activities funded by grants under the program under subsection (a) may include—

(1) the development and implementation of education and training programs, and associated materials, relating to AMBER Alert communications plans;

(2) the development and implementation of law enforcement programs, and associated equipment, relating to AMBER Alert communications plans; and

(3) such other activities as the Secretary considers appropriate for supporting the AMBER Alert communications program.

(c) FEDERAL SHARE.—The Federal share of the cost of any activities funded by a grant under the program under subsection (a) may not exceed 50 percent.

(d) DISTRIBUTION OF GRANT AMOUNTS ON GEOGRAPHIC BASIS.—The Attorney General shall, to the maximum extent practicable, ensure the distribution of grants under the program under subsection (a) on an equitable basis throughout the various regions of the United States.

(e) ADMINISTRATION.—The Attorney General shall prescribe requirements, including application requirements, for grants under the program under subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated for the Department of Justice $5,000,000 for fiscal year 2003 to carry out this section.

(2) Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

SEC. 305. INCREASED SUPPORT.

Section 404(b)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5773(b)(2)) is amended by striking ''2002, and 2003'' and inserting ''and 2002 and $20,000,000 for each of fiscal years 2003 and 2004''.

SEC. 306. SEX OFFENDER APPREHENSION PROGRAM.

Section 1701(d) of part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) by redesignating paragraphs (10) and (11) as (11) and (12), respectively; and

(2) by inserting after paragraph (9) the following:

''(10) assist a State in enforcing a law throughout the State which requires that a convicted sex offender register his or her address with a State or local law enforcement agency and be subject to criminal prosecution for failure to comply;''.

TITLE IV—MISCELLANEOUS

SEC. 401. FORENSIC AND INVESTIGATIVE SUPPORT OF MISSING AND EXPLOITED CHILDREN.

Section 3056 of title 18, United States Code, is amended by adding at the end the following:

''(f) Under the direction of the Secretary of the Treasury, officers and agents of the Secret Service are authorized, at the request of any State or local law enforcement agency, or at the request of the National Center for Missing and Exploited Children, to provide forensic and investigative assistance in support of any investigation involving missing or exploited children.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 5422, currently under consideration.

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

There was no objection.

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

Mr. Speaker, children today are more at risk than ever to falling prey to sexual predators. Sexual exploitation of children, a prime motive for kidnapping, is on the rise. When it comes to abduction, rape and murder of children, the United States must have a zero tolerance policy. Our children are not statistics, and no level of abductions is acceptable.

H.R. 5422, the Child Abduction Prevention Act of 2002, will send a clear message that child abductors will not escape justice. This legislation strengthens penalties against kidnapping, subjects those who abduct and sexually exploit children to the possibility of lifetime supervision, aids law enforcement to effectively prevent, investigate and prosecute crimes against children, and provides families and communities with immediate and effective assistance to recover a missing child.

An abducted child is a parent's worst nightmare. We must ensure that law enforcement has every possible tool necessary to try and recover a missing child quickly and safely. Prompt public alerts of an abducted child could be the difference between life and death for that innocent victim. To accomplish this, H.R. 5422 establishes a national AMBER Alert program to expand the child abduction communications warning network throughout the United States.

For those individuals that would harm a child, we must ensure that punishment is severe and that sexual predators are not allowed to slip through

the cracks of the system to harm other children. To this end, the legislation provides a 20-year mandatory minimum sentence of imprisonment for nonfamilial abductions of a child under the age of 18, lifetime supervision for sex offenders, and mandatory life imprisonment for second-time offenders. Furthermore, H.R. 5422 removes any statute of limitations and opportunity for pretrial release for crimes of child abduction and sex offenses.

Those who abduct children are often serial offenders who have actually been convicted of similar offenses. Sex offenders and child molesters are four times more likely than any other violent criminals to recommit their crimes. This number demands attention, especially in light of the fact that a single child molester on average destroys the lives of over 100 children. In response, H.R. 5422 provides judges with the discretion to impose lifetime supervision of such offenders.

The bill also fights against an industry supporting one of the fastest growing areas of international criminal activity. The sex tourism industry obtains its victims through kidnapping and trafficking of women and children. These women and children are then forced into prostitution. The bill addresses this problem.

Passage of this legislation also increases support for the National Center for Missing and Exploited Children, the Nation's resource center for child protection. The center assists in the recovery of missing children and raises public awareness on ways to protect children from abduction, molestation, and sexual exploitation. H.R. 5422 doubles the Federal funds for the center to $20 million by 2004 in recognition of its important role in these efforts to prevent child abductions.

Many of the provisions of H.R. 5422 previously passed the House in separate bills with tremendous bipartisan support. This legislation deserves the same support.

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

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

Mr. Speaker, I rise in opposition to H.R. 5422. I would like to be able to support the AMBER Alert portion of this bill; but that bipartisan, noncontroversial part of the bill has been buried literally behind a host of controversial soundbite-based provisions which may do more harm than good if passed. The AMBER Alert portion of the bill, which is the only justification for being here today, would provide grants and assistance to States and localities to establish a national system of communications and alerts to assist with locating and returning missing and abducted children. The system has proven itself at the State level and could help save lives and additional heartache on a national basis.

An AMBER Alert bill has already passed the Senate unanimously and could easily pass the House. America On-Line has already implemented an AMBER Alert system over its Internet systems and the President, through the first White House council on missing, exploited and runaway children which was held last week, has directed Federal agencies to assist. If we had before us either the bill introduced by the gentleman from Texas (Mr. FROST) and the gentlewoman from Washington (Ms. DUNN), called the Amber Alert bill, or the companion Senate bill which has already passed that House a few weeks ago, I would be speaking in favor of that bill and urging its passage. Instead, we have additional death penalty provisions and more mandatory minimum penalties, as if we do not already have too many of both.

We all know the problems we have with implementing the death penalty in this country. Over 100 individuals on death row have been exonerated in the last decade. Until we pass the Innocence Protection Act to shield against more innocent individuals being sentenced to death, we should not be passing more death penalties, especially complicating a noncontroversial bill to establish a national alert system to protect children. That Innocence Protection Act has over 240 cosponsors, so we should pass that. But in the meantime, this bill includes more new death penalties.

The bill also includes mandatory minimum penalties. Mandatory minimums have been studied and been found to distort the sentencing process, discriminate against minorities, and waste the taxpayers' money. Even Chief Justice Rehnquist, who is no flaming liberal when it comes to crime issues, has decried the effects of mandatory minimum sentences on a rational sentencing process and states that mandatory minimums are frequently the result of floor amendments to demonstrate emphatically that legislators want to be ''tough on crime.'' Just as frequently, they do not involve any careful consideration of the effect they may have on sentencing guidelines as a whole.

One of the worst examples of mandatory minimums included in the bill is the ''two strikes and you're out'' bill that comes before us today, which mandates a life term without eligibility for parole for offenses, including consensual sexual activity between a 19-year-old and a 15-year-old, including those that may even be engaged to be married. Such approaches will do nothing to reduce crimes against children and may even endanger them. A professor from the University of California Law School at Berkeley in his testimony at an earlier version of ''two strikes'' cautioned that when we punish lesser offenses such as consensual sex crimes with the same penalty reserved for the highest grade of murder, a child sex offender would have nothing further to lose, if not an incentive, to eliminate the victim who is the most important witness against him.

Furthermore, because the ''two strikes'' bill applies to cases brought in Federal jurisdiction, 75 percent of those cases will involve Native Americans on reservations. This means that two offenders sentenced for the same crime in the same State with the same prior criminal record could receive such varied results as probation for one and life without parole for the other depending on whether the crime was committed on one side of the reservation line or the other. It is grossly unfair to subject one group of people to such a vastly disparate impact of law based on the fact that they live on a reservation. Amendments to exclude these types of consensual sex crimes and their Draconian impacts on Native Americans were rejected in committee. Although all parts of this bill have passed the House during the last three Congresses, it is small wonder why the Senate has not seen fit to take up this matter.

In addition to the ''two strikes and you're out,'' there is a lifetime supervision provision, sex crimes wiretapping, sex tourism, all parts of this bill, all have passed the House and are awaiting Senate action. If the Senate has not seen fit to take any of them up because they do not have sufficient merit, now or in the last three Congresses, why would we think the Senate would see more merit in them with more new death penalties and additional mandatory minimums? And why should we jeopardize children by tying up a clearly meritorious, bipartisan, noncontroversial bill that could help them and get that into a legislative quagmire just for the purposes of having individuals have their little bills passed one more time?

Mr. Speaker, I would hope that we will put aside the politics of divisive, repetitive soundbite legislation, defeat this bill and take up a bill which would be the AMBER Alert bill that has already passed the Senate or the House version of that bill.

Mr. Speaker, I hope that we would defeat the motion to suspend the rules and defeat this legislation.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, just because the other body has not taken up a bill that has overwhelmingly passed this body is no reason why we should turn our back on trying to get it through in another method. I believe that all of the provisions of this bill are very meritorious. I intend to ask for a rollcall, and I think that most of the Members of this body will agree.

Mr. SMITH of Texas. Mr. Speaker, this legislation is good policy. It has the potential to protect and save lives, the lives of the most innocent among us. H.R. 5422 is divided into three titles: Sanctions and offenses, investigation and prosecution, and public outreach. This legislation ensures that our Nation's laws protect our children from those that would prey on them.

Title I, ''Sanctions and Offenses,'' strengthens the penalties against kidnapping by providing for a 20-year mandatory minimum sentence of imprisonment for non-family abductions of a child under the age of 18.

The section includes Representative George GEKAS' bill, H.R. 4679, that requires lifetime supervision for sex offenders. Also included is Representative MARK GREEN's bill, H.R. 2146, that requires mandatory life imprisonment for second time offenders. Chairman JIM SENSENBRENNER's bill, H.R. 4477, strengthens the laws related to travel to foreign countries for sex with minors, and is a part of this legislation.

In addition, this title directs the U.S. Sentencing Commission to increase offense levels for crimes of kidnapping, expands the crime of sexual abuse murder, and adds child abuse that results in murder as a predicate for first degree murder.

Title II, ''Effective Investigation and Prosecution,'' includes Representative NANCY JOHNSON's bill, H.R. 1877, which adds for new wiretap predicates that relate to sexual exploitation crimes against children.

It also provides that child abductions and felony sex offenses can be prosecuted without limitation of time and provides a rebuttable presumption that child rapists and kidnappers should not get pre-trial release.

Title III, ''Public Outreach,'' establishes a national AMBER Alert program based on Representative JENNIFER DUNN's and Representative MARTIN FROST's bill to expand the child abduction communications warning network throughout the United States.

The AMBER program is a voluntary partnership between law-enforcement agencies and broadcasters to activate an urgent alert bulletin in serious child-abduction cases.

This title also increases support for the National Center for Missing and Exploited Children by doubling its authorization to $20 million. Further, the title authorizes COPS funding for local law enforcement agencies to establish sex offender apprehension programs within their states.

Mr. Speaker, the recent wave of high profile child abductions illustrates the tremendous need for legislation in this area. These criminals breach the security of our homes to kidnap, molest, rape, and kill our children. Immediate action is necessary. I urge my colleagues to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to remind us that, as America is considering war with Iraq, we have threats to our children's security that we have yet to carefully consider.

Child abduction is one of many threats to our children that we must address thoughtfully and comprehensively. I am disappointed with the majority's approach dealing with the very serious problem of child abduction and protecting our children.

Just last week at the White House Conference on Missing and Exploited and Runaway Children, the President said he supports the AMBER Plan legislation passed by the Senate. When discussing the AMBER Plan he also said, ''the House hasn't acted yet.'' Sadly, our children are still in danger because of House inaction. We had the opportunity to act, but we let it go. The bipartisan legislation to create a national Amber Alert System quickly passed the Senate and it should have passed the House and been sent to the President. Instead what we have is a bill that has AMBER Alert provisions and as well as a host of unrelated provisions that will undoubtedly make it difficult to pass this legislation in the Senate.

I support the underlying purpose of the Child Abduction Prevention Act (H.R. 5422), but I am concerned that we are hastily putting together legislation to confront issues that need to be addressed in more comprehensive and meaningful ways. I know, for example, that H.R. 5422 includes provisions from the National AMBER Network Act. But the AMBER provisions of the Omnibus Child Protection Act are not the same as having a standalong bipartisan bill to comprehensively facilitate the implementation of State and local AMBER Alert Plans.

Around the country we have seen a rash of children being abducted. Many of these children are never found or returned alive. The stories of child abductions have become all too common. Over 2,000 children are abducted or missing everyday. Studies indicated that 74 percent of children who were kidnapped and later found murdered were killed in the first 3 hours of being taken.

We know that when a child is abducted it is important to mobilize the entire community quickly. The AMBER Alert Plan was instituted in 1996, when 9-year old Amber Hagerman was kidnapped and murdered in Arlington, Texas. Under the AMBER Plan, local radio and television stations interrupt programming to broad cast information about the abducted child.

By mobilizing thousands of people to safely recover an abducted child, we know that our children are more likely to be recovered. The AMBER Plan works. To date the AMBER Alert has been credited with recovering 31 children. Still, the vast majority of America's communities have not established an Amber Plan to protect our children. That is why it is critical that Congress moves to build on the success of the AMBER Plan. The National AMBER Alert Networks Act (H.R. 5326) aimed to build a seamless network of local AMBER Plans.

The Child Abduction Prevention Act of 2002 delays the passage of legislation that could swiftly move toward protecting our children. In addition, it does not address all the issues that are relevant to protecting our children. More comprehensive legislation would include provisions to treat children who have experienced the trauma of abduction. We must not forget that once our children are rescued they need medical attention and treatment to help them cope with the psychological effects of such a horrifying experience.

I am sorry that we have reached a point where we are in more of rush to put legislation together than we are interested in looking at all the tools that are available to help our children. I hope that in a better climate we can look at legislation that will extensively facilitate the protection of children from violent crimes. One such bill is the Save Our Children: Stop the Violent Predators Against Our Children DNA Act of 2002. We know that DNA is a critical tool if we are going to capture violent offenders who have preyed on our children. Yet, only 22 State Sex Offender Registries collect and maintain DNA samples as a part of registration.

The DNA Act of 2002 directs the Attorney General to establish and maintain a database solely for collecting DNA information with respect to violent predators against children. This bill also authorizes Federal, State and local agencies to submit DNA information for the database, and to compare DNA information with the DNA database.

There is nothing that devastates parents, friends, and a community more than a reported child abduction. What do we say to those families who are watching day-by-day as more stories of abductions are reported but we have yet to act?

In my own district these tragic acts of violence have hit home. Laura Ayala, a 13-year-old girl from Houston was reported missing after leaving her apartment to buy a newspaper at a nearby gas station. Only her shoes were found.

We know that 5-year-old Rilya Wilson was staying with her grandmother in January 2001 when someone showed up saying they were with the Department of Children and Families and took her away. Tragically, she is still unaccounted for. There are too many similar cases of our children being abducted and all too often harmed.

Mr. Speaker, a murder is the only major cause of childhood death that has increased in the past three decades. Something must be done to reverse this reality. I am dismayed that we are stalling progress with legislation that does not include all the tools to help protect our children and includes provisions we know will prevent it from passing.

Mr. FROST. Mr. Speaker, each year, over 58,000 children in America are abducted by predators. Although the vast majority of such children are safely returned to their parents—too many children are not. As a parent and a grandparent, I cannot imagine anything more devastating then having a child snatched away.

AMBER Alerts are one of the most effective tools available to keep our children safe. We have all seen how successful AMBER Alerts can be. To date, they have been credited with the recovery of 32 children. And thanks to the work of the National Center for Missing and Exploited Children and other organizations, there are now 66 AMBER Plans, including 24 statewide plans. Still, the vast majority of America's communities have not established an AMBER Plan to protect their children.

Last week, I met with the parents of Elizabeth Smart, good people who have had to endure every parent's worst nightmare. They were on Capitol Hill to urge the House to pass the National AMBER Alert Network Act, which I've introduced with my Republican colleague JENNIFER DUNN.Our bill mirrors the AMBER Alert legislation that has already passed the Senate. Also last week, President Bush called on the House to pass our bill so we could establish a national child abduction alert system this year.

We've been working with Chairman SENSENBRENNER, Ranking Member CONYERS and other members of the Judiciary Committee to pass a national AMBER Alert and I want to thank them for including our bill's key provisions in H.R. 5422, the Omnibus Child Abduction Prevention Act.

Our bill provides $25 million in needed funding to create a seamless network of local AMBER Plans across America. President Bush called this funding crucial to implementing an AMBER Alert network to protect every American child.

I am very pleased that Chairman SENSENBRENNER recognized the importance of the

AMBER Alert by including our bill in this child protection package, but frankly, I would have preferred it if our bill had been brought up for a vote in the form that has already passed the Senate. That bill would go straight to the President's desk and we could immediately begin setting up a national AMBER network.

I am pleased to vote to pass this bill today, but this is a large package with some controversial provisions that may not pass the Senate this year. If the Senate does not act on this larger bill, I will implore the House Republican leadership not to play politics on this issue and request that we vote on the National AMBER Alert Network Act that has already passed that Chamber.

The AMBER Alert has proven its effectiveness and every child deserves its protections. There is no excuse for not passing a national AMBER Alert network into law this year.

Mr. ROYCE. Mr. Speaker, I rise in strong support of H.R. 5422, the Child Abduction Prevention Act. I am pleased to be an original cosponsor of the AMBER Alert legislation contained in this bill. As we witnessed this past summer, Amber Plans have worked to bring children home safely. An AMBER Alert was sent out to a number of States to search for 10-year old Nicole Timmons of Riverside, California. The alert was not only delivered throughout California but also in neighboring States, and Nicole was found in Nevada. What if Nicole's abductor went to an area that wasn't covered by the AMBER Alert System?

Currently, there is no national coordination. In fact, only 18 states have statewide plans and when an AMBER Alert is activated, all areas of the country are not covered. Instead, the alert is targeted more locally, regionally, or statewide. With the recent expansion of the AMBER Alert Program, a system is needed to ensure that neighboring states and communities will be able to honor each other's alerts when an abductor is traveling with the child to other parts of the country. This bill helps coordinate AMBER Alerts nationally. We need a coordinated nation-wide effort so that abducted children transported across state lines do not fall through the cracks. Speed is essential when trying to rescue an abducted child. Seventy-four percent of children who are murdered by their abductors are killed within 3 hours of being taken. That's why it is imperative that law enforcement and the media react quickly and get the word back to the community.

The AMBER Alert Plan does just that by sending an emergency alert to the public when a child has been abducted. Several high profile child abductions and recoveries have recently demonstrated how successful the AMBER Alert Plan can be—to date, the AMBER Alert has been credited with recovering about 30 children.

In addition, the bill would provide grants on a 50–50 matching basis to update provide training and technology to law enforcement, and for the purpose of disseminating alerts. The Senate has passed similar legislation and President George Bush has also announced his strong support for a national AMBER Alert Network. I urge Congress to pass this important bill quickly so that the AMBER Alert System will be there for all of our Nation's children.

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

□ 1500

The SPEAKER pro tempore (Mr. CANTOR). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 5422, as amended.

The question was taken.

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

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DISTRICT OF COLUMBIA AND UNITED STATES TERRITORIES CIRCULATING QUARTER DOLLAR PROGRAM ACT

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4005) to provide for a circulating quarter dollar coin program to commemorate the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes.

The Clerk read as follows:

H.R. 4005

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 ''District of Columbia and United States Territories Circulating Quarter Dollar Program Act''.

SEC. 2. ISSUANCE OF REDESIGNED QUARTER DOLLARS COMMEMORATING THE DISTRICT OF COLUMBIA AND EACH OF THE TERRITORIES.

Section 5112 of title 31, United States Code, is amended by inserting after subsection (m) the following new subsection:

''(n) REDESIGN AND ISSUANCE OF CIRCULATING QUARTER DOLLAR COMMEMORATING THE DISTRICT OF COLUMBIA AND EACH OF THE TERRITORIES.—

''(1) REDESIGN IN 2009.—

''(A) IN GENERAL.—Notwithstanding the fourth sentence of subsection (d)(1) and subsection (d)(2) and subject to paragraph (6)(B), quarter dollar coins issued during 2009, shall have designs on the reverse side selected in accordance with this subsection which are emblematic of the District of Columbia and the territories.

''(B) FLEXIBILITY WITH REGARD TO PLACEMENT OF INSCRIPTIONS.—Notwithstanding subsection (d)(1), the Secretary may select a design for quarter dollars issued during 2009 in which—

(i) the inscription described in the second sentence of subsection (d)(1) appears on the reverse side of any such quarter dollars; and

(ii) any inscription described in the third sentence of subsection (d)(1) or the designation of the value of the coin appears on the obverse side of any such quarter dollars.

''(2) SINGLE DISTRICT OR TERRITORY DESIGN.—The design on the reverse side of each quarter dollar issued during 2009 shall be emblematic of one of the following: The District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

''(3) SELECTION OF DESIGN.—

''(A) IN GENERAL.—Each of the 6 designs required under this subsection for quarter dollars shall be selected by the Secretary after consultation with—

''(i) the chief executive of the District of Columbia or the territory being commemorated, or such other officials or group as the chief executive officer of the District of Columbia or the territory may designate for such purpose; and

''(ii) the Commission of Fine Arts.

''(B) SELECTION AND APPROVAL PROCESS.—Designs for quarter dollars may be submitted in accordance with the design selection and approval process developed by the Secretary in the sole discretion of the Secretary.

''(C) PARTICIPATION.—The Secretary may include participation by District or territorial officials, artists from the District of Columbia or the territory, engravers of the United States Mint, and members of the general public.

''(D) STANDARDS.—Because it is important that the Nation's coinage and currency bear dignified designs of which the citizens of the United States can be proud, the Secretary shall not select any frivolous or inappropriate design for any quarter dollar minted under this subsection.

''(E) PROHIBITION ON CERTAIN REPRESENTATIONS.—No head and shoulders portrait or bust of any person, living or dead, and no portrait of a living person may be included in the design of any quarter dollar under this subsection.

''(4) TREATMENT AS NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

''(5) ISSUANCE.—

''(A) QUALITY OF COINS.—The Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) in uncirculated and proof qualities as the Secretary determines to be appropriate.

''(B) SILVER COINS.—Notwithstanding subsection (b), the Secretary may mint and issue such number of quarter dollars of each design selected under paragraph (4) as the Secretary determines to be appropriate, with a content of 90 percent silver and 10 percent copper.

''(C) SOURCES OF BULLION.—The Secretary shall obtain silver for minting coins under subparagraph (B) from available resources, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

''(D) TIMING AND ORDER OF ISSUANCE.—Coins minted under this subsection commemorating the District of Columbia and each of the territories shall be issued in equal sequential intervals during 2009 in the following order: the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

''(6) OTHER PROVISIONS.—

''(A) APPLICATION IN EVENT OF ADMISSION AS A STATE.—If the District of Columbia or any territory becomes a State before the end of the 10-year period referred to in subsection (l)(1), subsection (l)(7) shall apply, and this subsection shall not apply, with respect to such State.

''(B) APPLICATION IN EVENT OF INDEPENDENCE.—If any territory becomes independent or otherwise ceases to be a territory or possession of the United States before quarter dollars bearing designs which are emblematic of such territory are minted pursuant to

this subsection, this subsection shall cease to apply with respect to such territory.

''(7) TERRITORY DEFINED.—For purposes of this subsection, the term 'territory' means the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on H.R. 4005.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 4005, the District of Columbia and United States Territories Circulating Quarter Dollar Program Act sponsored by the gentleman from New York (Mr. KING).

As Members are aware, the 50-State quarter program that began in 1999 has been a truly successful effort. I had the privilege of serving as the Chairman of the then-Domestic and International Monetary Policy Subcommittee at the time the 50-State Quarter bill was signed into law. The program calls for the production over 10 years of quarter dollar coins with the reverse, or back, of the coins depicting scenes representing each of the 50 States. Five are produced each year.

That program has been wildly successful. It is not uncommon for people to stop and examine the change in their pocket before making a transaction, perhaps saving a new quarter out of a pocketful. The result has been as much as a five-fold increase in the demand for quarters. But the bottom line is that every time someone looks at the back of a quarter, they learn something about the State represented.

At the time the bill was moving through Congress, not everyone was convinced that it would be a great success. This skepticism kept us from including the District of Columbia, Puerto Rico and the territories in the program. Because the program has been a wild success, it is appropriate for us to create a sister program for the District of Columbia, Puerto Rico and the territories.

The District of Columbia, Puerto Rico and the territories are not States, but they are certainly part of the United States' history. In the case of the territories, particularly, I know we could all stand to learn a little more about them. Therefore, I think it is self-evident that this program is a good idea. It creates an entirely separate program from the State quarters program, so there is no confusion that inclusion somehow confers statehood.

The gentlewoman from the District of Columbia (Ms. NORTON) may have different thoughts about that, but that is the way it had to be done. The program would run for 1 year when the other program finished, issuing all six quarters in that year, 2009. And if the history of the State quarters program is any guide, the D.C. and territories' quarters taken out of circulation permanently by collectors would total as much as $1 billion which would accrue to the U.S. Treasury in the form of money deposited into the general fund.

Mr. Speaker, this is a good program. It is identical to H.R. 5010, sponsored in the 106th Congress by the gentleman from Alabama (Mr. BACHUS) and passed by the House 377–6 after a convincing hearing in the Committee on Banking and Finance. It is educational, and it would raise a little money for the general fund as well. It deserves the support of all Members. I urge its immediate passage.

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

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

Mr. Speaker, I cannot help but to appreciate the remark of the gentleman from Delaware (Mr. CASTLE) about the requirement that it be understood that this bill not confer statehood. All I can say to the gentleman is that I have heard of back-door legislation, but I am sure this House knows how to keep the district from becoming a State through the back door. Nevertheless, I certainly appreciate all of the consideration that has been given to the District for a coin, a bill that matters a great deal to the people I represent.

Mr. Speaker, today I rise in strong support of H.R. 4005, the District of Columbia and United States Territories Circulating Quarter Dollar Program Act, a bill that would give the District of Columbia and the territories a privilege the 50 States already have, namely the ability to choose a design for the reverse side of the quarter coin in order to commemorate our history as part of the United States.

Mr. Speaker, we have traveled a long road to get to this moment today with the generous assistance of each chair and ranking member of the committee and the subcommittee. The absence of the District of Columbia and the territories drew our attention when the original 50 States Commemorative Coin Program Act came to the House floor in the 105th Congress. I am grateful to the initiative of the gentleman from Delaware (Mr. CASTLE), who has come to manage the bill and was then Chairman of the Subcommittee on Domestic and International Monetary Policy. The gentleman from Delaware (Mr. CASTLE) immediately agreed to cosponsor a bill with the other delegates and with me to allow the District and the four insular areas to participate in the program.

With the gentleman's support, I then introduced a bill to include the District and the territories. During the 106th Congress, I again introduced the bill; and the new chairman of the subcommittee, the gentleman from Alabama (Mr. BACHUS), agreed to lend his support, sponsored the bill and took it to the House floor, where it passed overwhelmingly by a vote of 377–6 on September 18, 2000.

Unfortunately, because the bill was passed late in the session, the Senate did not act on the bill. That brings us to the current Congress and a new chairman of the subcommittee, the gentleman from New York (Mr. KING). I want to thank the gentleman from New York (Mr. KING), as I thank his predecessors, for introducing the bill and for his leadership in bringing the bill to the floor today.

Also, I want to thank the ranking member of the subcommittee, the gentlewoman from New York (Mrs. MALONEY), for cosponsoring the bill and for her diligent work; and I thank the chairman and ranking member of the full committee, the gentleman from Ohio (Mr. OXLEY) and the gentleman from New York (Mr. LAFALCE), for their great cooperation in helping us with this effort today. Without their leadership, this day would not have been possible.

Mr. Speaker, I want to reserve my particular gratitude for my colleagues, the delegates from the insular areas, who are all cosponsors of this bill and who have remained committed to this effort from the beginning.

I must also say a special word of thanks to the excellent staff who have worked so diligently on this bill, Joe Pinder of the majority staff and Jaime Lizarraga of the minority staff.

Although the residents of the District of Columbia and the insular areas are American citizens, there are some differences between us and the States. Qualification to be part of a program to redesign quarters to commemorate Members' home districts is not among them. There is no legal or constitutional reason why the District and the territories cannot be part of a popular commemorative coin program created to celebrate the components of our Federal republic to spark interest both in the history of this great Nation and in numismatics and to raise funds for the Treasury.

We recognize that Congress always desires to avoid any appearance of unfairness, and it is clear that the initial exclusion from the program was an oversight. With the passage of this bill, we will correct that oversight today.

H.R. 4005 would extend the 10-year commemorative coin program for an additional year to include the District of Columbia and the four insular areas, American Samoa, Guam, Puerto Rico and the Virgin Islands, as well as the Commonwealth of Northern Mariana Islands, in the program.

In the District, I have suggested that we hold a competition to choose the design for our quarter. Of course, the bill

requires that ''the Secretary shall not select any frivolous or inappropriate design for any quarter dollar minted.'' Although to some American citizens the Commemorative Coin Program may seem like a minor activity, the ability to participate in this program is important recognition to our constituents.

Despite the fact that in the normal process, it has taken 5 years to get to this point today, no damage has been done because the original Commemorative Coin Program mandates a 10-year period from minting commemorative quarters, according to the date of admission to the Union, and, therefore, the Treasury would not have reached the districts recognized in this bill at this point in any case.

We are very pleased by the success of the program. Nineteen States already have quarters, all of whom I am certain feel pride in having a coin to commemorate their particular characteristics, achievements or history as a part of our Nation.

We also are pleased that this program costs the Treasury nothing, but, instead, because of the popularity of the coins, actually brings in new money for the government, totaling billions of dollars. Our participation will mean even more funds will come to our government.

D.C. residents carry the flag and wave the flag. We are second per capita in Federal income taxes, and we serve in the Armed Forces in numbers disproportionately higher than the States. The District, for example, had more residents who served in the Gulf War than 47 States and more casualties in Vietnam than each of 10 States.

This coin bill, therefore, may not mean much to the average citizen, but it means a great deal to those of us who live in the District of Columbia. The commemorative quarter will be a matter of particular pride to the residents of the District. We are sensitive to find ways to indicate our unity with the 50 States.

I know I speak for all of the delegates when I say that, as American citizens, we would appreciate being acknowledged with a coin of our own. We seek only the maximum recognition permissible under law. H.R. 4005 will afford our residents a sense of particular pride as we join other Americans in commemorating our unique contributions to our shared history.

Mr. Speaker, I thank all of my colleagues, especially the gentleman from Delaware (Mr. CASTLE) who initiated this effort, for their leadership on this bill and urge its passage.

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

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

Mr. Speaker, first, with respect to the gentlewoman from the District of Columbia (Ms. NORTON), she has been working on this tirelessly from the beginning of it. In fact, as we were getting started, she came to see me and started to talk to me about it. I saw the wisdom after a couple of visits and have heartily embraced it ever since. I am glad that it is going through the House again, and hopefully we can get it through the Senate.

While we are not exactly providing statehood, we are in no way hurting statehood. I think that statehood will be, if anything, enhanced by this, and not hurt by it.

I thank Joe Pinder of the Committee on Financial Services staff. He has worked long and hard on these issues. While it is nice to say this program has worked so well, there was a great deal of resistance to this program at a whole variety of levels, and it took a lot of studies and a lot of people having to be convinced before it could work.

I would like to say finally, on the economics, some people might wonder how this makes money. For the millions of people listening on C–SPAN, I would just point out that it costs about 4 cents to make a quarter. And when they are issued eventually by the Federal Reserve to the banks, they receive 25 cents for each quarter, so there is a 21-cent float. And as long as that float is out there, it is money that can be used by the Federal Government and is money on which the Federal Government does not have to pay interest. In that sense, that money is able to be used without having to borrow other money.

The reality of this program is that all these coins are being collected. So it is almost a permanent matter of 21-cent conversion, so, as a result, the Treasury has benefited and will continue to benefit. We talked about a billion dollars with these six new coins. That is probably a correct estimate over some period of time. That is the economics of this, in addition to the education aspects of it, and another reason why this has been a program which has been so greatly successful.

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

Mr. Speaker, the gentleman from Delaware (Mr. CASTLE) proved prescient in his understanding of how this bill would not only benefit this country's Treasury but individual States. In fact, he may well go down in history as the Member who almost effortlessly raised billions of dollars for the United States Treasury. All he had to do was, with the stroke of his pen, bring this bill to the floor, and money began to flow into the Treasury.

As for the people of the District of Columbia, and for the insular areas as well, I can say with deep sincerity never has a coin meant so much to so few, but that is what it means to us. We are very appreciative of the opportunity to be included in this bill.

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Mr. Speaker, and with thanks to the gentleman from Delaware (Mr. CASTLE) and to those who worked so hard, the chairman and past chairman and ranking members of this committee and subcommittee.

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

Mr. CASTLE. Mr. Speaker, I yield myself the remainder of my time.

I thank the gentlewoman for her kind comments, and hopefully we can speed this through the Senate as well.

Mr. UNDERWOOD. Mr. Speaker, I would like to take this opportunity to commend the leadership of Representatives PETER KING and CAROLYN MALONEY for their instrumental work in moving this legislation out of the Subcommittee on Domestic Monetary Policy, Technology and Economic Growth and onto the floor today. I would also like to recognize the leadership of my colleagues Representative MIKE CASTLE and Delegates NORTON, FALEOMAVAEGA, CHRISTENSEN, and ACEVEDO-VILÁ, who have worked steadily to achieve the same recognition given to the 50 states when the Commemorative Coin Program Act was passed in 1997.

Though it has taken five years to recognize these U.S. jurisdictions, I am very pleased that the passage of this legislation would extend this program and acknowledge the participation of the District of Columbia and the U.S. territories of Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa and Puerto Rico in the scope of our great nation. Like citizens of other states, Americans living in these jurisdictions have served in the armed forces, but in numbers disproportionately higher than in the states. Both the District and the territories have cultivated generations of scholars, athletes, entertainers, and artists, who have added to the rich history and diversity of this nation. It may not mean much for the average citizen to have a commemorative quarter, but it means a great deal to these jurisdictions.

Since 1998, the United States Treasury has issued five specially designed quarters to commemorative each state in order of their ratification of the Constitution and admission into the Union. To date, there are 19 state quarters in circulation, which signify particular characteristics, achievement, and history of each state.

It was hoped that the Commemorative Coin Program would lead the American public to appreciate the history of U.S. coinage and generate a collective pride among Americans, not only in their home states, but also the nation as a whole. It has always been my hope that Congress would not forget the history of these jurisdictions. I am proud to note that today we can realize the full and rich history of the District of Columbia, of my district of Guam, and the four other territories of the United States.

Not very many Americans know that my district of Guam, an island approximately 3,500 miles southwest of Hawaii, was also attacked on December 7, 1941, the date which marked the United States' entrance into World War II. From the time of the attack to the liberation of the island on July 21, 1944, Guam has the distinction of being the only civilian U.S. jurisdiction to be occupied by the Japanese during the war.

In 1998, Guam marked its 100th anniversary of the commencement of its relationship with the United States which resulted from the Spanish-American War. In 1999, we commemorated the 50th anniversary of the enactment of the Organic Act of Guam, which

granted civilian government and U.S. citizenship to the people of Guam. We are the westernmost territory of the United States on the opposite side of the International Date Line and have the distinction of being the place ''where America's day begins.'' The passage of this legislation today will not only give acknowledgment to the unique circumstances and histories of these U.S. jurisdictions, it also pays tribute to Americans living in these places who take great pride and provide service to the nation but often feel marginalized or left behind because they are unable to take part in programs which most other Americans enjoy.

As an original co-sponsor of this legislation and of its predecessor, H.R. 5010, I urge my colleagues to unanimously support this very important legislation and urge its expeditious passage and enactment.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support of H.R. 4005, a bill to provide for a circulating quarter dollar coin program to commemorate American Samoa, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, and the Northern Mariana Islands.

In general, this legislation would amend the popular 50 States Commemorative Coin Program Act to include 6 new designs emblematic of the District of Columbia, American Samoa, Guam, Puerto Rico, the Virgin Islands, and the Northern Mariana Islands. Designs on the reverse side of each quarter dollar issued during 2009 will be selected by the Secretary of Treasury in consultation with the chief executive officers of these areas.

It should come as no surprise that I am a strong supporter of this bill. My colleagues and I have worked for some time to move this legislation forward. All five delegates are and were original co-sponsors of this bi-partisan measure. This measure was first introduced in the 106th Congress and passed overwhelmingly in the House by a vote of 377–6. Unfortunately, the 106th Congress ended before the Senate was able to consider our bill.

I am now pleased that H.R. 4005 has once again made it to the House floor for consideration. I want to thank Congresswoman ELEANOR HOLMES NORTON for her leadership and I also want to thank the order Delegates who have also worked tirelessly to ensure that this legislation is considered.

Speaking on behalf of American Samoa, I believe it is only fitting for Congress to acknowledge our relationship with the United States with the issuance of a commemorative coin. American Samoa has a long and proud history of supporting the United States. The traditional leaders of the island of Tutuila ceded our islands to the United States in 1900.

Tutuila's harbor is the deepest in the South Pacific and the port village of Pago Pago was used as a coaling station for U.S. naval ships in the early part of the century and as a support base for U.S. soldiers during WWII. To this day, American Samoa serves as a refueling point for U.S. naval ships and military aircraft.

American Samoa also has a per capita enlistment rate in the U.S. military which is as high as any State or U.S. Territory. Our sons and daughters have served in record numbers in every U.S. military engagement from WWII to present operations in our war against terrorists. We have stood by the United States in good times and bad and I believe this relationship should be acknowledged with the issuance of a commemorative coin.

H.R. 4005 afford us an opportunity to recognize the special contributions that the District of Columbia, American samoa, Guam, Puerto Rico, and the Northern Marianas have made to the history of our Nation. I urge my colleagues to vote in favor of this legislation.

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

The SPEAKER pro tempore (Mr. CANTOR). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the bill, H.R. 4005.

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

A motion to reconsider was laid on the table.

ALLOWING CERTAIN CATCH-UP CONTRIBUTIONS TO THRIFT SAVINGS PLAN

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3340) to amend title 5, United States Code, to allow certain catch-up contributions to the Thrift Savings Plan to be made by participants age 50 or over, as amended.

The Clerk read as follows:

H.R. 3340

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

SECTION 1. THRIFT SAVINGS PLAN CATCH-UP CONTRIBUTIONS.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Paragraph (2) of section 8351(b) of title 5, United States Code, is amended by adding at the end the following:

''(C) Notwithstanding any limitation under this paragraph, an eligible participant (as defined by section 414(v) of the Internal Revenue Code of 1986) may make such additional contributions to the Thrift Savings Fund as are permitted by such section 414(v) and regulations of the Executive Director consistent therewith.''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) PROVISION APPLICABLE TO EMPLOYEES GENERALLY.—Subsection (a) of section 8432 of title 5, United States Code, is amended by adding at the end the following:

''(3) Notwithstanding any limitation under this subsection, an eligible participant (as defined by section 414(v) of the Internal Revenue Code of 1986) may make such additional contributions to the Thrift Savings Fund as are permitted by such section 414(v) and regulations of the Executive Director consistent therewith.''.

(2) PROVISION APPLICABLE TO CERTAIN OTHER INDIVIDUALS.—Section 8440f of title 5, United States Code, is amended—

(A) by striking ''The maximum'' and inserting ''(a) The maximum''; and

(B) by adding at the end the following:

''(b) Notwithstanding any limitation under this section, an eligible participant (as defined by section 414(v) of the Internal Revenue Code of 1986) may make such additional contributions to the Thrift Savings Fund as are permitted by such section 414(v) and regulations of the Executive Director consistent therewith.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of the earliest practicable date, as determined by the Executive Director (appointed under section 8474(a) of title 5, United States Code) in regulations.

SEC. 2. REAUTHORIZATION OF MERIT SYSTEM PROTECTION BOARD AND OFFICE OF SPECIAL COUNSEL.

(a) MERIT SYSTEMS PROTECTION BOARD.—Section 8(a)(1) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note) is amended by striking ''1998, 1999, 2000, 2001 and 2002'' and inserting ''2003, 2004, 2005, 2006, and 2007''.

(b) OFFICE OF SPECIAL COUNSEL.—Section 8(a)(2) of the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note) is amended by striking ''1993, 1994, 1995, 1996, and 1997,'' and inserting ''2003, 2004, 2005, 2006, and 2007''.

(c) EFFECTIVE DATE.—This section shall be effective as of October 1, 2002.

SEC. 3. DISCLOSURE OF VIOLATIONS OF LAW; RETURN OF DOCUMENTS.

Section 1213(g) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking the last sentence; and

(2) by striking paragraph (3) and inserting the following:

''(3) If the Special Counsel does not transmit the information to the head of the agency under paragraph (2), the Special Counsel shall inform the individual of—

''(A) the reasons why the disclosure may not be further acted on under this chapter; and

''(B) other offices available for receiving disclosures, should the individual wish to pursue the matter further.''.

SEC. 4. CONTINUATION OF HEALTH BENEFITS COVERAGE FOR INDIVIDUALS ENROLLED IN A PLAN ADMINISTERED BY THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

(a) ENROLLMENT IN CHAPTER 89 PLAN.—For purposes of the administration of chapter 89 of title 5, United States Code, any period of enrollment under a health benefits plan administered by the Overseas Private Investment Corporation before the effective date of this Act shall be deemed to be a period of enrollment in a health benefits plan under chapter 89 of such title.

(b) CONTINUED COVERAGE.—

(1) IN GENERAL.—Any individual who, as of the enrollment eligibility date, is covered by a health benefits plan administered by the Overseas Private Investment Corporation may enroll in an approved health benefits plan described under section 8903 or 8903a of title 5, United States Code—

(A) either as an individual or for self and family, if such individual is an employee, annuitant, or former spouse as defined under section 8901 of such title; and

(B) for coverage effective on and after such date.

(2) INDIVIDUALS CURRENTLY UNDER CONTINUED COVERAGE.—An individual who, as of the enrollment eligibility date, is entitled to continued coverage under a health benefits plan administered by the Overseas Private Investment Corporation—

(A) shall be deemed to be entitled to continued coverage under section 8905a of title 5, United States Code, for the same period that would have been permitted under the plan administered by the Overseas Private Investment Corporation; and

(B) may enroll in an approved health benefits plan described under section 8903 or 8903a of such title in accordance with section 8905a of such title for coverage effective on and after such date.

(3) UNMARRIED DEPENDENT CHILDREN.—An individual who, as of the enrollment eligibility date, is covered as an unmarried dependent child under a health benefits plan

administered by the Overseas Private Investment Corporation and who is not a member of family as defined under section 8901(5) of title 5, United States Code—

(A) shall be deemed to be entitled to continued coverage under section 8905a of such title as though the individual had ceased to meet the requirements for being considered an unmarried dependent child under chapter 89 of such title as of such date; and

(B) may enroll in an approved health benefits plan described under section 8903 or 8903a of such title in accordance with section 8905a for continued coverage effective on and after such date.

(c) TRANSFERS TO THE EMPLOYEES HEALTH BENEFITS FUND.—

(1) IN GENERAL.—The Overseas Private Investment Corporation shall transfer to the Employees Health Benefits Fund established under section 8909 of title 5, United States Code, amounts determined by the Director of the Office of Personnel Management, after consultation with the Overseas Private Investment Corporation, to be necessary to reimburse the Fund for the cost of providing benefits under this section not otherwise paid for by the individuals covered by this section.

(2) AVAILABILITY OF FUNDS.—The amounts transferred under paragraph (1) shall be held in the Fund and used by the Office in addition to amounts available under section 8906(g)(1) of title 5, United States Code.

(d) ADMINISTRATION AND REGULATIONS.—The Office of Personnel Management—

(1) shall administer this section to provide for—

(A) a period of notice and open enrollment for individuals affected by this section; and

(B) no lapse of health coverage for individuals who enroll in a health benefits plan under chapter 89 of title 5, United States Code, in accordance with this section; and

(2) may prescribe regulations to implement this section.

(e) ENROLLMENT ELIGIBILITY DATE.—For purposes of this section, the term ''enrollment eligibility date'' means the last day on which coverage under a health benefits plan administered by the Overseas Private Investment Corporation is available. Such date shall be determined by the Office of Personnel Management in consultation with the Overseas Private Investment Corporation.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3340.

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

There was no objection.

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

I rise today to urge support for H.R. 3340. This is legislation that will help ensure the retirement security and independence of many Federal employees. Under the Economic Growth and Tax Relief Reconciliation Act of 2001, employer-sponsored thrift plans, such as private sector 401(k) plans and the TSP, may allow employees age 50 and older to contribute additional money toward their retirement.

Due to the new law, an individual age 50 or older could put an additional $1,000 next year into a pension plan in addition to regular contributions allowed by law. The following year the extra contribution would be $2,000. It would increase each year until the extra contribution level was $5,000. Each year thereafter the investor could put in an additional $5,000 on top of the regular contribution in a pension plan.

However, employees are not automatically entitled to make catch-up contributions. Private employers must amend their plan documents to permit catch-up contributions. And, likewise, Congress must amend title 5 of the U.S. Code before Federal employees can make catch-up contributions. H.R. 3340 makes the necessary changes to title 5 to permit Federal employees to take advantage of this important opportunity to improve their retirement security. The catch-up provision is particularly justifiable for the Federal plan since the TSP was not created by law until 1986. The catch-up contributions will allow workers to make up for years when they were not employed, did not contribute to their plan, or otherwise were unable to save. It is also particularly beneficial for women who have returned to the workforce after taking time away to raise families.

It is essential that we in Congress do as much as we can to foster improved savings by enhancing private and public sector pension plans. America has one of the lowest national savings rates among industrialized countries. It has fallen steadily over the last 25 years, seriously jeopardizing Americans' security during what is supposed to be their golden years. And even though Americans realize that they should be saving more, half of all family heads in their late 50s possess less than $10,000 in net financial assets. With the retirement of America's baby boomers approaching, Congress must help to encourage Americans to save more.

So, Mr. Speaker, H.R. 3340 furthers our goal of helping Americans increase their savings so they can provide a better retirement for themselves and their families. In addition, H.R. 3340, as amended, reauthorizes the U.S. Merit Systems Protection Board and the Office of Special Counsel; and it would allow employees, retirees, and near retirees of the Overseas Private Investment Corporation to enroll in the Federal Employees Health Benefit Plan.

The Merit Systems Protection Board is an independent quasi-judicial agency in the executive branch that adjudicates Federal employees' appeals from certain serious disciplinary actions, including firing, and Office of Personnel Management retirement decisions. The Board also adjudicates cases brought by the Office of Special Counsel to enforce the Hatch Act and laws against prohibited personnel practices, including whistleblower cases. The amendment authorizes the Merit Systems Protection Board through 2007.

The amendment also reauthorizes the Office of Special Counsel through 2007. The OSC is an independent Federal investigator and prosecutorial agency. The OSC enforces the Hatch Act, and it litigates cases involving prohibited personnel practices, including reprisal for whistleblowing, before the Merit Systems Protection Board.

And, finally, Mr. Speaker, the amendment contains language that would allow certain retirees and near retirees who are currently covered by a health plan administered by OPIC to participate fully in the FEHBP. That is the Federal Employee Health Benefit Plan. OPIC established a separate health insurance plan outside the FEHBP in 1982. However, since 1995 OPIC discontinued offering its separate plan due to a number of problems in maintaining a separate health care plan. This language resolves technical problems involving eligibility of retirees and near retirees for coverage under FEHBP, and the administration supports this legislation. I urge my colleagues to do the same. It may sound complicated and not so exciting, but it is very critical for those employees who would be involved in it and would be administered under it.

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

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

Mr. Speaker, H.R. 3340, as amended, will enhance the retirement and health benefits of Federal employees and ensure the continued operation of two agencies that serve as guardians of the Federal merit systems.

The Economic Growth and Tax Relief Act, which became law last year, made it possible for enrollees 50 years of age or older to contribute an additional $1,000 a year to their private sector 401(k) plans. After 5 years with annual increases of $1,000, private sector employees will be able to contribute an additional $5,000 a year to their 401(k) plans. These changes did not apply to the Federal Government's equivalent plan, the Thrift Savings Plan, or the TSP. This simply is not fair.

H.R. 3340 would amend the Federal Employees Retirement System Act to allow Federal employees, like their private sector counterparts, to make additional contributions to their TSP. Federal employees who were previously unable to contribute to their TSP would be able to catch up by making additional contributions to their plan.

Another provision of the bill addresses the Overseas Private Investment Corporation, OPIC. In the 1980's a number of Federal banking agencies, including OPIC, established separate health insurance plans outside of the Federal Employees Health Benefits Program. As health care costs have increased, it has become too costly for OPIC to maintain a separate health insurance plan. Under H.R. 3340, as

amended, the approximately 70 employees enrolled in OPIC's health insurance plan would be allowed to transfer to the FEHBP. OPIC will bear the costs associated with transfer.

Finally, this legislation would reauthorize the Merit Systems Protection Board, MSPB, and the Office of Special Counsel, OSC. Established in 1978 by the Civil Service Reform Act, MSPB's mission is to ensure that Federal employees are protected against abuses by Federal agency management, that executive branch agencies make employment decisions in accordance with merit systems principles, and that Federal merit systems are kept free of prohibited personnel practices such as discrimination and coercion.

OSC is an independent Federal investigative prosecutorial agency. It safeguards the merit system by protecting Federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing. OSC also serves as a safe and secure channel for Federal workers who wish to disclose violations of laws, gross mismanagement or waste of funds, and abuse of authority. This legislation will provide a variety of benefits for Federal employees, and I urge its adoption.

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

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

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON).

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

At the time that we began work on this bill, the markets had not imploded. This bill has assumed far greater importance since, and I just want to spell out something of what it means. We are now living in a country where people over 50 years of age have lost their shirts. The catastrophic effects of the market on baby boomers and older people is pouring out now in stories, in the newspapers about people going back to work, about people selling their homes, and the rest of it. Do not think that this does not apply as well to Federal employees.

Allowing us, those of us who work in the Federal Government, to catch up, as it were, with what is already the case in the private sector could not come at a more opportune time. In the first place, one does not have to put their money into the traditional stock market. The TSP is very conservative. They could put all of their money into bonds. They could in fact decide that this might be an important way to make up for some of the losses almost all of us have incurred in the market over the past year, 18 months.

And what this means is very important. In the first year, in addition to what someone already contributes, they can put in an additional $1,000. The next year they can put in an additional $2,000, until of course they reach $5,000 and then they will be able to contribute, as private employees do, an additional $5,000 a year to the TSP.

The reason that this is important, it seems to me, for everybody but especially for the employees to whom this is directed, employees 50 or older, is that there is almost no way to even begin to make up for the kinds of losses people have had, and people have got to begin thinking through how do we do that. We do not want to say to what has become an investment public, stop investing in anything, they could have happen to them what has now happened to people in all ages and backgrounds. They could lose it all. There are safe investments. We are very fortunate that the TSP allows us to spread our investments, encourages us to do so, and I believe that for those who are very numerous, and I am sure are included among them are many government employees who want to begin to reinvest, this opportunity to reinvest in more conservative investments will be a very welcome opportunity. At the very least, it would be unconscionable to leave those in the public sector, the Federal sector behind what we ourselves have already granted to those in the private sector.

So I appreciate that the gentlewoman has brought this bill forward, a bill we worked very hard on and, fortuitously, a bill which I think will be appreciated more than when the bill was originally in committee.

□ 1530

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

Mr. Speaker, as I said earlier, H.R. 3340 with the amendment accomplishes many goals, including catch-up contributions for the Thrift Savings Plan contributors, reauthorization of the OSC and the Marriage System Protections Board.

Finally, H.R. 3340 would allow employees, retirees and near-retirees of the Overseas Private Investment Corporation to enroll in the Federal Employees Health Benefit Plan.

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

Mr. Speaker, I also want to say that I introduced the bill because it was very important. It took a lot of time, and we had the approval of the chairman of the committee, the gentleman from Indiana (Mr. BURTON); the ranking member, the gentleman from California (Mr. WAXMAN); the chairman of the subcommittee, the gentleman from Florida (Mr. WELDON); the ranking member of the Subcommittee on Civil Service, the gentleman from Illinois (Mr. DAVIS); some great sponsors and some great staff that helped to move this bill forward.

Mr. Speaker, I urge an affirmative vote.

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

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

Mr. Speaker, I want to congratulate the gentlewoman from Maryland for the introduction and processing and passage of this legislation.

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

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

The SPEAKER pro tempore (Mr. CANTOR). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 3340, as amended.

The question was taken.

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

Mrs. MORELLA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 4 p.m.

Accordingly (at 3 o'clock and 33 minutes p.m.), the House stood in recess until approximately 4 p.m.

□ 1603

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 4 o'clock and 3 minutes p.m.

MISCELLANEOUS TRADE AND TECHNICAL CORRECTIONS ACT OF 2002

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5385) to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes, as amended.

The Clerk read as follows:]

H.R. 5385

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS

(a) SHORT TITLE.—This Act may be cited as the ''Miscellaneous Trade and Technical Corrections Act of 2002''.

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

Sec. 1. Short title; table of contents

TITLE I—TARIFF PROVISIONS

Sec. 1001. Reference; expired provisions.

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS AND REDUCTIONS

Sec. 1101. Bitolylene diisocyanate (TODI).

Sec. 1102. 2-methyl imidazole.
Sec. 1103. Hydroxylamine free base.
Sec. 1104. Prenol.
Sec. 1105. 1-methyl imadazole.
Sec. 1106. Formamide.
Sec. 1107. Michler's ethyl ketone.
Sec. 1108. Vinyl imidazole.
Sec. 1109. Disperse blue 27.
Sec. 1110. Acid black 244.
Sec. 1111. Reactive orange 132.
Sec. 1112. Mixture of 2-naphthalenesulfonic acid, 6-amino-5-[[2-[(cyclohexylmethylamino)sulfonyl] phenyl]azo]-4-hydroxy-, monosodium salt, 2-naphthalenesulfonic acid, 6-amino-5-[[4-chloro-2-(trifluoromethyl) phenyl]azo] -4-hydroxy-, monosodium salt, and 2-naphthalenesulfonic acid, 6 - amino -4 -hydroxy -5 - [[2-(trifluoromethyl) phenyl]azo] -, monosodium salt.
Sec. 1113. Vat red 13.
Sec. 1114. 5-methylpyridine-2,3-dicarboxylic acid.
Sec. 1115. 5-methylpyridine-2,3-dicarboxylic acid diethylester.
Sec. 1116. 5-ethylpyridine dicarboxylic acid.
Sec. 1117. (E)-o(2,5-dimethylphenoxy methyl)-2-methoxy- imino-n-methylphenylacetamide.
Sec. 1118. 2-chloro-N-(4′chlorobiphenyl-2-yl) nicotinamide.
Sec. 1119. Vinclozolin.
Sec. 1120. Dazomet.
Sec. 1121. Pyraclostrobin.
Sec. 1122. 1,3-benzenedicarboxylic acid, 5-sulfo-1,3-dimethyl ester sodium salt.
Sec. 1123. Saccharose.
Sec. 1124. Buctril.
Sec. 1125. (2-benzothiazolythio) butanedioic acid.
Sec. 1126. 60–70 percent amine salt of 2-benzo-thiazolythio succinic acid in solvent.
Sec. 1127. 4-methyl-g-oxo-benzenebutanoic acid compounded with 4-ethylmorpholine (2:1).
Sec. 1128. Mixtures of N- [(4, 6-Dimethoxypyrimidin- 2- yl) aminocarbonyl]- 3-(ethylsulfonyl)- 2- pyridine- sulfonamide; 2- (((((4,6-dimethoxypyrimidin- 2- yl) aminocarbonyl)) aminosulfonyl))- n,n- dimethyl-3- pyridinecarboxamide; and application adjuvants.
Sec. 1129. Mixtures of methyl 3- [[[[(4-methoxy- 6- methyl- 1,3,5-triazin- 2- yl) amino] carbonyl] amino] sulfonyl]- 2-thiophenecarboxylate; methyl 2- [[[[(4- methoxy- 6- methyl- 1,3,5- triazin- 2- yl) methylamino] carbonyl] amino] sulfonyl] benzoate; and application adjuvants.
Sec. 1130. Mixtures of methyl 3-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl) amino] carbonyl] amino] sulfonyl]-2-thiophenecarboxylate and application adjuvants.
Sec. 1131. Mixtures of methyl 2- [[[[(4-methoxy- 6- methyl- 1,3,5-triazin- 2- yl) methylamino] carbonyl] amino] sulfonyl] benzoate and application adjuvants.
Sec. 1132. Mixtures of N-[(4,6-Dimethoxypyrimidin- 2- yl) aminocarbonyl]- 3-(ethylsulfonyl)- 2- pyridine- sulfonamide; methyl 3-[[[[(4methoxy- 6- methyl- 1,3,5-triazin- 2- yl) amino] carbonyl] amino] sulfonyl]- 2-thiophenecarboxylate; and application adjuvants.
Sec. 1133. Vat Black 25.
Sec. 1134. Allyl 3-cyclohexylpropionate (cyclohexanepropanoic acid, 2-propenyl ester).
Sec. 1135. NeoHeliopan Hydro (2-phenylbenzimidazole-5-sulfonic acid).
Sec. 1136. Sodium Methylate Powder (Na Methylate Powder).
Sec. 1137. Globanone (cyclohexadec-8-en-1-one) (CHD).
Sec. 1138. Methyl acetophenone-para (Melilot).
Sec. 1139. Majantol (2,2-dimethyl-3-(3-methylphenyl)propanol).
Sec. 1140. Neoheliopan MA (menthyl anthranilate).
Sec. 1141. Allyl isosulfocyanate.
Sec. 1142. Frescolat (5-methyl-2-(1-methylethyl)cyclohexyl-2-hydroxypropanoate, lactic acid menthyl ester).
Sec. 1143. Thymol (alpha-cymophenol).
Sec. 1144. Benzyl carbazate.
Sec. 1145. Esfenvalerate technical.
Sec. 1146. Avaunt and steward.
Sec. 1147. Helium.
Sec. 1148. Ethyl pyruvate.
Sec. 1149. Deltamethrin (1r,3r)-3(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxlic acid (s)-α-cyano-3-pheonxybenzyl ester.
Sec. 1150. Asulam sodium salt.
Sec. 1151. Tralomethrin (1r,3s)3[(1′rs)(1′,2′,2′,2′,-tetrabromoethyl)]-2,2-dimethylcyclopropanecarboxylic acid,(s)-alpha-cyano-3-phenoxybenzyl ester.
Sec. 1152. N-phenyl-N′-(1,2,3-thiadiazol-5-yl)-urea.
Sec. 1153. Benzenepropanoic acid, alpha-2-dichloro-5-{4 (difluoromethyl)-4,5-dihydro-3-methyl-5-oxo-1h-1,2,4-triazol-1-yl}-4-fluoro-ethyl ester.
Sec. 1154. (Z)-(1RS, 3RS)-3-(2-chloro-3,3,3 triflouro-1-propenyl)-2,2-dimethyl-cyclopropane carboxylic acid.
Sec. 1155. Z-chlorobenzyl chloride.
Sec. 1156. (S)-Alpha-hydroxy-3-phenoxybenzeneacetonitrile.
Sec. 1157. 4-Pentenoic acid, 3,3-dimethyl-, methyl ester.
Sec. 1158. Terrazole.
Sec. 1159. 2-Mercaptoethanol.
Sec. 1160. Bifenazate.
Sec. 1161. A certain polymer.
Sec. 1162. Para ethylphenol.
Sec. 1163. Ezetimibe.
Sec. 1164. P-Cresidine sulfonic acid.
Sec. 1165. 2,4 disulfobenzaldehyde.
Sec. 1166. M-hydroxybenzaldehyde.
Sec. 1167. N-Ethyl-n-(3-sulfobenzyl)aniline, benzenesulfonic acid, 3[(ethylphenylamino)methyl].
Sec. 1168. Acrylic fiber tow.
Sec. 1169. Yttrium oxides and europium oxides.
Sec. 1170. Hexanedioic acid, polymer with 1,3-benzenedimethanamine.
Sec. 1171. N1-[(6-chloro-3-pyridyl)methyl]-N2-cyano-N1-methylacetamidine.
Sec. 1172. Aluminum tris (o-ethyl phosphonate).
Sec. 1173. Mixture of disperse blue 77 and disperse blue 56.
Sec. 1174. Acid black 194.
Sec. 1175. Mixture of 9,10-anthracenedione, 1,5-dihydroxy-4-nitro-8-(phenylamino)-and 9,10-anthracenedione, 1,8-dihydroxy-4-nitro-5-(phenylamino)-.
Sec. 1176. Cases for certain toys.
Sec. 1177. Bags for certain toys.
Sec. 1178. Certain children's products.
Sec. 1179. Certain optical instruments used in children's products.
Sec. 1180. Cases for certain children's products.
Sec. 1181. 2,4-dichloroaniline.
Sec. 1182. Ethoprop.
Sec. 1183. Foramsulfuron.
Sec. 1184. Certain epoxy molding compounds.
Sec. 1185. Dimethyldicyane.
Sec. 1186. Triacetone diamine.
Sec. 1187. Triethylene glycol bis[3-(3-tert-butyl-4-hydroxy-5-methylphenyl) propionate].
Sec. 1188. Certain power weaving textile machinery.
Sec. 1189. Certain filament yarns.
Sec. 1190. Certain other filament yarns.
Sec. 1191. Certain ink-jet textile printing machinery.
Sec. 1192. Certain other textile printing machinery.
Sec. 1193. D-mannose.
Sec. 1194. Benzamide, N-methyl-2-[[3-[(1e)-2-(2-pyridinyl—ethenyl]-1h-indazol-6- yl)thio]-.
Sec. 1195. 1(2h)-quinolinecarboxylic acid, 4-[[[3,5-bis(trifluoromethyl)phenyl] methyl](methoxycarbonyl)amino]-2-ethyl- 3,4-dihydro-6-(trifluoromethyl)-, ethyl ester, (2r,4s)-(9CI).
Sec. 1196. Disulfide,bis(3,5-dichlorophenyl)(9C1).
Sec. 1197. Pyridine,4-[[4-(1-methylethyl)-2-[(phenylmethoxy)methyl]-1h-midazol-1-yl] methyl]-ethanedioate (1:2).
Sec. 1198. Paclobutrazole technical.
Sec. 1199. Paclobutrazole 2SC.
Sec. 1200. Methidathion technical.
Sec. 1201. Vanguard 75 WDG.
Sec. 1202. Wakil XL.
Sec. 1203. Mucochloric acid.
Sec. 1204. Azoxystrobin technical.
Sec. 1205. Flumetralin technical.
Sec. 1206. Cyprodinil technical.
Sec. 1207. Mixtures of lambda-cyhalothrin.
Sec. 1208. Primisulfuron.
Sec. 1209. 1,2 cyclohexanedione.
Sec. 1210. Difenoconazole.
Sec. 1211. Certain refracting and reflecting telescopes.
Sec. 1212. Phenylisocyanate.
Sec. 1213. Bayowet FT-248.
Sec. 1214. P-phenylphenol.
Sec. 1215. Certain rubber riding boots.
Sec. 1216. Chemical RH water-based.
Sec. 1217. Chemical NR ethanol-based.
Sec. 1218. Tantalum capacitor ink.
Sec. 1219. Europium oxides.
Sec. 1219A. Certain sawing machines.
Sec. 1220. Certain sector mold press manufacturing equipment.
Sec. 1221. Certain manufacturing equipment used for molding.
Sec. 1222. Certain extruders.
Sec. 1223. Certain shearing machines.
Sec. 1224. Thermal release plastic film.
Sec. 1225. Certain silver paints and pastes.
Sec. 1226. Polymer masking material for aluminum capacitors (upicoat).
Sec. 1227. OBPA.
Sec. 1228. Macroporous ion-exchange resin.
Sec. 1229. Copper 8-quinolinolate.

Sec. 1230. Ion-exchange resin.
Sec. 1231. Ion-exchange resin.
Sec. 1232. Ion-exchange resin.
Sec. 1233. 3-[(4 amino-3-methoxyphenyl) azo]-benzene sulfonic acid.
Sec. 1234. 2-methyl-5-nitrobenzenesulfonic acid.
Sec. 1235. 2 amino 6 nitro phenol 4 sulfonic acid.
Sec. 1236. 2 amino 5 sulfobenzoic acid.
Sec. 1237. 2,5 bis [(1,3 dioxobutyl) amino] benzene sulfonic acid.
Sec. 1238. P-aminoazobenzene 4 sulfonic acid, monosodium salt.
Sec. 1239. P-aminoazobenzene 4 sulfonic acid.
Sec. 1240. 3-[(4 amino-3-methoxyphenyl) azo]-benzene sulfonic acid, monosodium salt.
Sec. 1241. Et-743 (ecteinascidin).
Sec. 1242. 2,7-naphthalenedisulfonic acid, 5-[[4-chloro-6-[[2-[[4-fluoro-6-[[5-hydroxy-6-[(4-methoxy-2-sulfophenyl)azo]-7-sulfo-2-naphthalenyl]amino]-1,3,5-triazin-2-yl] amino]-1-methylethyl]amino]-1,3,5-triazin-2-yl]amino]-3-[[4-(ethenylsulfonyl)phenyl]azo]-4-hydrox′-, sodium salt.
Sec. 1243. 1,5-naphthalenedisulfonic acid, 3-[[2-(acetylamino)-4-[[4-[[2-[2-(ethenylsulfonyl)ethoxy]ethyl] amino]-6-fluoro-1,3,5-triazin-2-yl]amino]phenyl]azo]-, disodium salt.
Sec. 1244. 7,7′-[1,3-propanediylbis[imino(6-fluoro-1,3,5-triazine-4,2-diyl)imino[2-[(aminocarbonyl)amino]-4,1-phenylene]azo]]bis-, sodium salt.
Sec. 1245. Cuprate(3-), [2-[[[[3-[[4-[[2-[2-(ethenylsulfony-l)ethoxy]ethyl]amino]-6-fluoro-1,3,5-triazin-2-yl]amino]-2-(hydroxy-.kappa.o)-5-sulfophenyl]azo-.kappa.n2]phenylmethyl]azo-.kappa.n1]-4-sulfobenzoato(5-)-.kappa.o], trisodium.
Sec. 1246. 1,5-naphthalenedisulfonic acid, 2-[[8-[[4-[[3-[[[2-(ethenylsulfonyl) ethyl]amino]carbonyl]phenyl] amino]-6-fluoro-1,3,5-triazin-2-yl]amino]-1-hydroxy-3,6-disulfo-2-naphthalenyl]azo]-, tetrasodium salt.
Sec. 1247. PTFMBA.
Sec. 1248. Benzoic acid, 2-amino-4-[[(2,5-dichlorophenyl) amino]carbonyl]-, methyl ester.
Sec. 1249. Imidacloprid pesticides.
Sec. 1250. Beta-cyfluthrin.
Sec. 1251. Imidacloprid technical.
Sec. 1252. Bayleton technical.
Sec. 1253. Propoxur technical.
Sec. 1254. MKH 6561 isocyanate.
Sec. 1255. Propoxy methyl triazolone.
Sec. 1256. Nemacur VL.
Sec. 1257. Methoxy methyl triazolone.
Sec. 1258. Levafix golden yellow E-G.
Sec. 1259. Levafix blue ca/remazol blue CA.
Sec. 1260. Remazol yellow RR gran.
Sec. 1261. Indanthren blue CLF.
Sec. 1262. Indanthren yellow f3gc.
Sec. 1263. Acetyl chloride.
Sec. 1264. 4-methoxy-phenacychloride.
Sec. 1265. 3-methoxy-thiophenol.
Sec. 1266. Levafix brilliant red E-6BA.
Sec. 1267. Remazol BR. blue BB 133%.
Sec. 1268. Fast navy salt RA.
Sec. 1269. Levafix royal blue E-FR.
Sec. 1270. P-chloro aniline.
Sec. 1271. Esters and sodium esters of parahydroxybenzoic acid.
Sec. 1272. Santolink EP 560.
Sec. 1273. Phenodur VPW 1942.
Sec. 1274. Phenodur PR 612.
Sec. 1275. Phenodur PR 263.
Sec. 1276. Macrynal SM 510 and 516.
Sec. 1277. Alftalat AN 725.
Sec. 1278. RWJ 241947.
Sec. 1279. RWJ 394718.
Sec. 1280. RWJ 394720.
Sec. 1281. 3,4-DCBN.
Sec. 1282. Cyhalofop.
Sec. 1283. Asulam.
Sec. 1284. Florasulam.
Sec. 1285. Propanil.
Sec. 1286. Halofenozide.
Sec. 1287. Ortho-phthalaldehyde.
Sec. 1288. Trans 1,3-dichloropropene
Sec. 1289. Methacrylamide.
Sec. 1290. Cation exchange resin.
Sec. 1291. Gallery.
Sec. 1292. Necks used in cathode ray tubes.
Sec. 1293. Polytetramethylene ether glycol.
Sec. 1294. Leaf alcohol.
Sec. 1295. Combed cashmere and camel hair yarn.
Sec. 1296. Certain carded cashmere yarn.
Sec. 1297. Sulfur black 1.
Sec. 1298. Reduced VAT Blue 43.
Sec. 1299. Fluorobenzene.
Sec. 1300. Certain rayon filament yarn.
Sec. 1301. Certain tire cord fabric.
Sec. 1302. Direct black 184.
Sec. 1303. Black 263 stage.
Sec. 1304. Magenta 364.
Sec. 1305. Thiamethoxam technical.
Sec. 1306. Cyan 485 stage.
Sec. 1307. Direct blue 307.
Sec. 1308. Direct violet 107.
Sec. 1309. Fast black 286 stage.
Sec. 1310. Mixtures of fluazinam.
Sec. 1311. Prodiamine technical.
Sec. 1312. Carbon dioxide cartridges.
Sec. 1313. 12-hydroxyoctadecanoic acid, reaction product with *n,n*-dimethyl, 1,3-propanediamine, dimethyl sulfate, quaternized.
Sec. 1314. 40 percent polymer acid salt/polymer amide, 60 percent butyl acetate.
Sec. 1315. 12-hydroxyoctadecanoic acid, reaction product with *n,n*-dimethyl-1,3-propanediamine, dimethyl sulfate, quaternized, 60 percent solution in toluene.
Sec. 1316. Polymer acid salt/polymer amide.
Sec. 1317. 50 percent amine neutralized phosphated polyester polymer, 50 percent solvesso 100.
Sec. 1318. 1-octadecanaminium, *n,n*-di-methyl-*n*-octadecyl-, (sp-4-2)-[29h,31h-phtha- locyanine-2-sulfonato(3-)-.kappa.n29,.kappa.n30, . Kappa.n31, .kappa.n32]cuprate(1-).
Sec. 1319. Chromate(1-),bis{1-{(5-chloro–2-hydroxyphenyl)azo}–2-napthal enolato(2-)}-,hyrogen.
Sec. 1320. Bronate advanced.
Sec. 1321. N-cyclohexylthiophthalimide.
Sec. 1322. Certain high-performance loudspeakers.
Sec. 1323. et injection RCC.
Sec. 1324. Penta amino aceto nitrate cobalt III (coflake 2).
Sec. 1325. Oxasulfuron technical.
Sec. 1326. Certain manufacturing equipment.
Sec. 1327. P-amino benzamide.
Sec. 1328. Foe hydroxy.
Sec. 1329. Magenta 364 liquid feed.
Sec. 1330. Tetrakis.
Sec. 1331. Palmitic acid.
Sec. 1332. Phytol.
Sec. 1333. Chloridazon.
Sec. 1334. Disperse orange 30, disperse blue 79:1, disperse red 167:1, disperse yellow 64, disperse red 60, disperse blue 60, disperse blue 77, disperse yellow 42, disperse red 86, and disperse red 86:1.
Sec. 1335. Disperse blue 321.
Sec. 1336. Direct black 175.
Sec. 1337. Disperse red 73 and disperse blue 56.
Sec. 1338. Acid black 132 and acid black 172.
Sec. 1339. Acid black 107.
Sec. 1340. Acid yellow 219, acid orange 152, acid red 278, acid orange 116, acid orange 156, and acid blue 113.
Sec. 1341. Luganil brown NGT powder.
Sec. 1342. Thiophanate-methyl.
Sec. 1343. Hydrated hydroxypropyl methylcellulose.
Sec. 1344. Polymethylpentene (TPX).
Sec. 1345. Certain 12-volt batteries.
Sec. 1346. Certain textile machinery.
Sec. 1347. Certain prepared or preserved artichokes.
Sec. 1348. Certain other prepared or preserved artichokes.
Sec. 1349. Ethylene/tetrafluoroethylene copolymer (ETFE).
Sec. 1350. Acetamiprid.
Sec. 1351. Certain manufacturing equipment.
Sec. 1352. Triticonazole.
Sec. 1353. 3-sulfinobenzoic acid.
Sec. 1354. Polydimethylsiloxane.
Sec. 1355. Baysilone fluid.
Sec. 1356. Ethanediamide, N- (2-ethoxyphenyl)-N′- (4-isodecylphenyl)-.
Sec. 1357. 1-acetyl-4-(3-dodecyl-2, 5-dioxo-1-pyrrolidinyl)-2,2,6,6-tetramethyl-piperidine.
Sec. 1358. Aryl phosphonite.
Sec. 1359. Mono octyl malionate.
Sec. 1360. 3,6,9-trioxaundecanedioic acid.
Sec. 1361. Crotonic acid.
Sec. 1362. 1,3-benzenedicarboxamide, N, N′-bis (2,2,6,6-tetramethyl-4-piperidinyl)-.
Sec. 1363. 3-dodecyl-1-(2,2,6,6-tetramethyl-4-piperidinyl)-2,5-pyrrolidinedione.
Sec. 1364. Oxalic anilide.
Sec. 1365. N-methyl diisopropanolamine.
Sec. 1366. 50 percent homopolymer, 3-(dimethylamino) propyl amide, dimethyl sulfate-quaternized 50 percent polyricinoleic acid.
Sec. 1367. Black CPW stage, 2,7-naphthalene disulfonic acid, 4-amino-3-[[4-[[-4-[(2 or 4 –amino-4 or 2-hydroxyphenyl)azo] phenyl]amino]-3-sulfophenyl]azo]-5-hydroxy-6-(phenylazo)-trisodium salt.
Sec. 1368. Fast black 287 NA paste, 1,3-benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo]-1-naphthalenyl]azo]-, trisodium salt.
Sec. 1369. Fast black 287 NA liquid feed, 1,3-benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo]-1-naphthalenyl]azo]-, trisodium salt.
Sec. 1370. Fast yellow 2 stage, 1,3-benzenedicarboxylic acid, 5,5′-[[6-(4-morpholinyl)-1,3,5-triazine-2,4-diyl]bis(imino-4,1-phenyleneazo)]bis-, ammonium/sodium/hydrogen salt.
Sec. 1371. Cyan 1 stage, copper, [29h,31h-phthalocyaninato(2-)-n29,n30,n31,n32]-, aminosulfonyl sulfo derivatives. Tetra methyl ammonium salts.
Sec. 1372. Yellow 1 stage, 1,5-naphthalenedisulfonic acid, 3,3′-[[6-[(2-hydroxyethyl)amino]-1,3,5-triazine-2,4-diyl]bis[imino(2-methyl-4,1-phenylene)azo]]bis-, tetrasodium salt.

Sec. 1373. Yellow 746 stage, 1,3-bipyridirium, 3-carboxy-5′-[(2-carboxy-4-sulfophenyl)azo]-1′,2′, dihydro-6′-hydroxy-4′-methyl-2′-oxo-, inner salt, lithium/sodium salt.
Sec. 1374. Black SCR stage, 2,7-naphthalene disulfonic acid, 4-amino-3-[[4-[[-4-[(2 or 4-amino-4 or 2-hydroxypheny-l)azo]phenyl]amino]-3-sulfophenyl] azo]-5-hydroxy-6-(phenylazo)-trisodium salt.
Sec. 1375. Magenta 3B-OA stage, 2-[[4-chloro-6[[8-hydroxy-3,6-disulphonate-7-[(1-sulpho-2-naphthalenyl) azo]-1-naphthalenyl] amino]-1,3,5-triazin-2-yl]amino]-5-sulphobenzoic acid, sodium/lithium salts.
Sec. 1376. Yellow 577 stage, 5-{4-[4-[4-(4,8-disulfonaphthalen-2-ylazo)-phenylamino]-6-(2-sulfoethylamino)-[1,3,5]triazin-2-ylamino]phenylazo}isophthalic acid/sodium salt.
Sec. 1377. Cyan 485/4 stage, copper, [29H,31H-phthalocyaninato (2-)-xN29,xN30,xN31,xN32]-aminosylfonyl [(2-hydroxy-ethyl)amino] sulfonyl sulfo derivatives, sodium salt.
Sec. 1378. Low expansion laboratory glass.
Sec. 1379. Stoppers, lids, and other closures.
Sec. 1380. Triflusulfuron methyl formulated product.
Sec. 1381. Agrumex (o-t-Butyl cyclohexanol).
Sec. 1382. Trimethyl cyclo hexanol (1-Methyl-3,3-dimethylcyclohexanol-5).
Sec. 1383. Myclobutanil.
Sec. 1384. Methyl cinnamate (methyl-3-phenylpropenoate).
Sec. 1385. Acetanisole (anisyl methyl ketone).
Sec. 1386. Alkylketone.
Sec. 1387. Iprodione 3-(3-5, dicholorophenyl)-N-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide.
Sec. 1388. Dichlorobenzidine dihydrochloride.
Sec. 1389. Kresoxim-methyl.
Sec. 1390. MKH 6562 isocyanate.
Sec. 1391. Certain rayon filament yarn.
Sec. 1392. Benzenepropanal, 4-(1,1-dimethylethyl)-alpha-methyl.
Sec. 1393. 3,7-dichloro-8-quinoline carboxylic acid.
Sec. 1394. 3-(1-methylethyl)-1h-2,1,3-benzothiadiazin-4(3h)-one 2,2 dioxide, sodium salt.
Sec. 1395. 3,3′,4-4′-biphenyltetracarboxylic dianhydride, oda, odpa, pmda, and 1,3-bis(4-aminophenoxy)benzene
Sec. 1396. Oryzalin.
Sec. 1397. Tebufenozide.
Sec. 1398. Endosulfan.
Sec. 1399. Ethofumesate.
Sec. 1400. 4,4'-o-phenylenebis(3-thioallophanic acid), dimethyl ester (thiophanate-methyl) formulated with application adjuvants.
Sec. 1401. Night vision monoculars.
Sec. 1402. Certain automotive sensor magnets.

CHAPTER 2—EXISTING DUTY SUSPENSIONS AND REDUCTIONS

Sec. 1451. Extension of certain existing duty suspensions.
Sec. 1452. Effective date.

Subtitle B—Other Tariff Provisions

CHAPTER 1— LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES

Sec. 1501. Certain tramway cars.
Sec. 1502. Liberty bell replica.
Sec. 1503. Certain entries of cotton gloves.
Sec. 1504. Certain entries of posters.
Sec. 1505. Certain other entries of posters.
Sec. 1506. Certain entries of 13 inch televisions.
Sec. 1507. Entries of certain apparel articles pursuant to the Caribbean Basin Economic Recovery Act or the African Growth and Opportunity Act.
Sec. 1508. Certain entries prematurely liquidated in error.

CHAPTER 2—MISCELLANEOUS PROVISIONS

Sec. 1601. Hair clippers.
Sec. 1602. Tractor body parts.
Sec. 1603. Flexible magnets and composite goods containing flexible magnets.
Sec. 1604. Vessel repair duties.
Sec. 1605. Duty-free treatment for hand-knotted or hand-woven carpets.
Sec. 1606. Duty drawback for certain articles.
Sec. 1607. Unused merchandise drawback.
Sec. 1608. Treatment of certain footwear under Caribbean Basin Economic Recovery Act.
Sec. 1609. Designation of San Antonio International Airport for customs processing of certain private aircraft arriving in the United States.
Sec. 1610. Authority for the establishment of integrated border inspection areas at the United States-Canada border.
Sec. 1611. Designation of foreign law enforcement officers.
Sec. 1612. Amendments to United States insular possession program.
Sec. 1613. Modification of provisions relating to drawback claims.

Subtitle C—Effective Date

Sec. 1701. Effective date.

TITLE II—OTHER TRADE PROVISIONS

Sec. 2001. Extension of nondiscriminatory treatment to the Federal Republic of Yugoslavia.
Sec. 2002. Designation of Israeli-Turkish qualifying industrial zones.
Sec. 2003. Modification to cellar treatment of natural wine.
Sec. 2004. Articles eligible for preferential treatment under the Andean Trade Preference Act.
Sec. 2005. Technical amendments.
Sec. 2006. Technical amendments concerning the transmittal of certain information to the customs service.

TITLE I—TARIFF PROVISIONS

SEC. 1001. REFERENCE; EXPIRED PROVISIONS.

(a) REFERENCE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision, the reference shall be considered to be made to a chapter, subchapter, note, additional U.S. note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

(b) EXPIRED PROVISIONS.—

(1) IN GENERAL.—Subchapter II of chapter 99 is amended by striking the following headings:

9902.29.06	9902.30.65	9902.33.07
9902.29.09	9902.30.90	9902.33.08
9902.29.11	9902.30.91	9902.33.09
9902.29.12	9902.30.92	9902.33.10
9902.29.15	9902.31.12	9902.33.11
9902.29.18	9902.31.13	9902.33.12
9902.29.19	9902.31.14	9902.33.16
9902.29.20	9902.31.21	9902.33.19
9902.29.21	9902.32.01	9902.33.66
9902.29.23	9902.32.08	9902.33.90
9902.29.24	9902.32.11	9902.34.02
9902.29.28	9902.32.13	9902.38.08
9902.29.29	9902.32.14	9902.38.11
9902.29.32	9902.32.16	9902.38.12
9902.29.36	9902.32.29	9902.38.25
9902.29.43	9902.32.30	9902.38.26
9902.29.44	9902.32.31	9902.38.28
9902.29.45	902.32.33	9902.39.04
9902.29.46	9902.32.34	9902.39.12
9902.29.50	9902.32.35	9902.61.00
9902.29.51	9902.32.36	9902.64.04
9902.29.52	9902.32.37	9902.64.05
9902.29.53	9902.32.38	9902.84.10
9902.29.54	9902.32.39	9902.84.12
9902.29.57	9902.32.40	9902.84.20
9902.29.60	9902.32.41	9902.84.43
9902.29.65	9902.32.42	9902.84.46
9902.29.66	9902.32.43	9902.84.77
9902.29.67	9902.32.45	9902.84.79
9902.29.72	9902.32.51	9902.84.81
9902.29.74	9902.32.54	9902.84.83
9902.29.95	9902.32.56	9902.84.85
9902.30.04	9902.32.70	9902.84.87
9902.30.16	9902.32.94	9902.84.89
9902.30.17	9902.32.95	9902.84.91
9902.30.18	9902.33.01	9902.85.20
9902.30.19	9902.33.02	9902.85.21
9902.30.31	9902.33.03	9902.98.03
9902.30.58	9902.33.04	9902.98.04
9902.30.63	9902.33.05	9902.98.05
9902.30.64	9902.33.06	9902.98.08

(2) ADDITIONAL PROVISIONS.—Subchapter II of chapter 99 is amended—

(A) by striking the second heading 9902.29.06 (relating to racemic di-menthol (intermediate (E) for use in producing menthol));

(B) by striking the first heading 9902.29.35 (relating to gamma acid);

(C) by striking the second heading 9902.32.44 (relating to carboxamide sulfate salt); and

(D) by striking heading 9902.70.01 (relating to monochrome glass envelopes).

Subtitle A—Temporary Duty Suspensions and Reductions

CHAPTER 1—NEW DUTY SUSPENSIONS AND REDUCTIONS

SEC. 1101. BITOLYLENE DIISOCYANATE (TODI).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.01	Bitolylene diisocyanate (TODI) (CAS No. 91–97–4) (provided for in subheading 2929.10.20).	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1102. 2-METHYL IMIDAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.02	2-methyl imidazole (CAS No. 693–98–1) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1103. HYDROXYLAMINE FREE BASE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.03	hydroxylamine free base (CAS No. 7803–49–8) (provided for in subheading 2825.10.00)	.6%	No change	No change	On or before 12/31/2005	...

SEC. 1104. PRENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.04	3-methyl-2 butene-1-ol (CAS No. 556–82–1) (provided for in subheading 2905.29.90)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1105. 1-METHYL IMADAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.05	1-methyl imidazole (CAS No. 616–47–7) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1106. FORMAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.06	formamide (CAS No. 75–12–7) (provided for in subheading 2924.19.10)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1107. MICHLER’S ETHYL KETONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.07	4,4-Bis (diethylamino) benzophenon (CAS No. 90–93–7) (provided for in subheading 2922.39.45)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1108. VINYL IMIDAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.08	1-ethenyl-1H-imidazole (CAS No. 1072–63–5) (provided for in subheading 2933.29.90)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1109. DISPERSE BLUE 27.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.09	Disperse Blue 27, 9,10-Anthracenedione,1,8-dihydroxy-4-[[4-(2-hydroxyethyl)phenyl]amino]-5-nitro-) (CAS No. 15791–78–3) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1110. ACID BLACK 244.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.10	Acid Black 244, Chromate(2-), [3-(hydroxy-.kappa.O)-4-[[2-(hydroxy-.kappa.O)-1-naphthalenyl]azo-.kappa.N2]-1-naphthalenesulfonato(3-)] [1-[[2-(hydroxy-.kappa.O)-5-[4-methoxyphenyl)azo]phenyl]azo-.kappa.N2]-2-naphthalenolato(2-)-.kappa.O]-, disodium (CAS No. 30785–74–1) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1111. REACTIVE ORANGE 132.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.11	Reactive Orange 132, Benzenesulfonic acid,2,2′-[(1-methyl-1,2-ethanediyl)bis[imino(6-fluoro-1,3,5-triazine-4,2-diyl)imino[2-[(aminocarbonyl)amino]-4,1-phenylene]azo]]bis[5-[(4-sulfophenyl)azo]-, sodium salt (CAS No. 149850–31–7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1112. MIXTURE OF 2-NAPHTHALENESULFONIC ACID, 6-AMINO-5-[[2- [(CYCLOHEXYLMETHYL AMINO)SULFONYL] PHENYL]AZO]-4-HYDROXY-, MONOSODIUM SALT, 2-NAPHTHALENESULFONIC ACID, 6-AMINO-5-[[4-CHLORO-2-(TRIFLUOROMETHYL) PHENYL]AZO] -4-HYDROXY-, MONOSODIUM SALT, AND 2-NAPHTHALENESULFONIC ACID, 6 - AMINO -4 -HYDROXY -5 - [[2-(TRIFLUOROMETHYL) PHENYL]AZO] -, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.12	A mixture of 2-Naphthalenesulfonic acid, 6-amino-5-[[2-[(cyclohexylmethylamino)sulfonyl]phenyl]azo]-4-hydroxy-, monosodium salt, 2-Naphthalenesulfonic acid, 6-amino-5-[[4-chloro-2-(trifluoromethy)phenyl]azo]-4-hydroxy-, monosodium salt, and 2-Naphthalenesulfonic acid, 6-amino-4-hydroxy-5-[[2-(trifluoromethyl)phenyl]azo]-, monosodium salt (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1113. VAT RED 13.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.13	Vat Red 13, [3,3′-Bianthra[1,9-cd]ptrazole]-6,6′(1H,1′H)-dione,1,1′-diethyl-(CAS No. 4203–77–4) (provided for in subheading 3204.15.80)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1114. 5-METHYLPYRIDINE-2,3-DICARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.14	5-methylpyridine-2,3-dicarboxylic acid (CAS No. 53636–65–0) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1115. 5-METHYLPYRIDINE-2,3-DICARBOXYLIC ACID DIETHYLESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.15	5-methylpyridine-2,3-dicarboxylic acid diethylester (CAS No. 112110–16–4) (provided for in subheading 2933.39.61)	1.8%	No change	No change	On or before 12/31/2005	”.

SEC. 1116. 5-ETHYLPYRIDINE DICARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.16	5-ethylpyridine dicarboxylic acid (CAS No. 102268–15–5) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1117. (E)-o(2,5-DIMETHYLPHENOXY METHYL)-2-METHOXY- IMINO-N-METHYLPHENYLACETAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.17	(E)-o(2,5-di- methylphenoxy methyl)-2- methoxyimino- N-methyl-phenylacetamide (Dimoxystrobin) (CAS No. 145451–07–6) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1118. 2-CHLORO-N-(4′CHLOROBIPHENYL-2-YL) NICOTINAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.18	2-chloro-N- (4′chloro- biphenyl-2-yl) nicotinamide (CAS No. 188425–85–6) (Nicobifen) (provided for in subheading 2933.39.21)	4.4%	No change	No change	On or before 12/31/2005	”.

SEC. 1119. VINCLOZOLIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.19	3-(3,5-dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidine-dione (Vinclozolin) (CAS No. 50471–44–8) (provided for in subheading 2934.99.12)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1120. DAZOMET.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.20	Tetrahydro-3,5-dimethyl-2H-1,3,5-thiadiazine-2-thione (CAS No. 533–74–4) (Dazomet) (provided for in subheading 2934.99.90)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1121. PYRACLOSTROBIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.21	Methyl N-(2[[1-4-chlorophenyl)-1H-pyrazol-3-yl]oxymethyl]]-phenyl) N-methoxy carbamate (Pyraclostrobin) (CAS No. 175013–18–0) (provided for in subheading 2933.19.23)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1122. 1,3-BENZENEDICARBOXYLIC ACID, 5-SULFO-1,3-DIMETHYL ESTER SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.22	1,3-Benzenedicarboxylic acid, 5-sulfo-1,3-dimethyl ester sodium salt (CAS No. 3965–55–7) (provided for in subheading 2917.39.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1123. SACCHAROSE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.23	Saccharose to be used other than in food for human consumption and not for nutritional purposes (provided for in subheading 1701.99.50)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1124. BUCTRIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.24	Buctril bromoxynil octanoate (CAS No. 1689–99–2) plus application adjuvants (provided for in subheading 3808.30.15)	Free	Free	No change	On or before 12/31/2005	”.

SEC. 1125. (2-BENZOTHIAZOLYTHIO) BUTANEDIOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:heading:

“	9902.01.25	(2-benzothiazolythio) butanedioic acid (CAS No. 95154–01–1) (provided for in subheading 2934.20.40)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1126. 60–70 PERCENT AMINE SALT OF 2-BENZO-THIAZOLYTHIO SUCCINIC ACID IN SOLVENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.26	60–70% amine salt of 2-benzothiazolythio succinic acid in solvent (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1127. 4-METHYL-g-OXO-BENZENEBUTANOIC ACID COMPOUNDED WITH 4-ETHYLMORPHOLINE (2:1).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.27	4-Methyl-g-oxo-benzenebutanoic acid compounded with 4-ethylmorpholine (2:1) (CAS No. 171054–89–0) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1128. MIXTURES OF N- [(4, 6- DIMETHOXYPYRIMIDIN- 2- YL) AMINOCARBONYL]- 3- (ETHYLSULFONYL)- 2- PYRIDINE- SULFONAMIDE; 2- (((((4,6- DIMETHOXYPYRIMIDIN- 2- YL) AMINOCARBONYL)) AMINOSULFONYL))- N,N- DIMETHYL- 3- PYRIDINECARBOXAMIDE; AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.28	Mixtures of N-[(4,6-Dimethoxypyrimidin-2-yl) aminocarbonyl]-3-(ethylsulfonyl)-2-pyridine-sulfonamide; 2-(((((4,6-Dimethoxypyrimidin-2-yl) aminocarbonyl)) aminosulfonyl)) -N,N-dimethyl-3-pyridinecarboxamide; and application adjuvants (CAS Nos. 122931–48–0 111991–09–4) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1129. MIXTURES OF METHYL 3- [[[[(4- METHOXY- 6- METHYL- 1,3,5- TRIAZIN- 2- YL) AMINO] CARBONYL] AMINO] SULFONYL]- 2- THIOPHENECARBOXYLATE; METHYL 2- [[[[(4- METHOXY- 6- METHYL- 1,3,5- TRIAZIN- 2- YL) METHYLAMINO] CARBONYL] AMINO] SULFONYL] BENZOATE; AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.29	Mixtures of Methyl 3-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-ly)amino] carbonyl]amino] sulfonyl]-2-thiophenecarboxylate; Methyl 2-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl) methylamino]carbonyl] amino]sulfonyl] benzoate; and application adjuvants (CAS Nos. 79277–27–3 and 101200–48–0) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1130. MIXTURES OF METHYL 3-[[[[(4-METHOXY-6-METHYL-1,3,5-TRIAZIN-2-YL) AMINO] CARBONYL] AMINO] SULFONYL]-2-THIOPHENECARBOXYLATE AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.30	Mixtures of Methyl 3-[[[[(4-methoxy- 6-methyl-1,3,5-triazin-2-yl) amino]carbonyl] amino]sulfonly]-2-thiophenecarboxylate and application adjuvants (CAS No. 79277–27–3) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1131. MIXTURES OF METHYL 2- [[[[(4- METHOXY- 6- METHYL- 1,3,5- TRIAZIN- 2- YL) METHYLAMINO] CARBONYL] AMINO] SULFONYL] BENZOATE AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.31	Mixtures of Methyl 2-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl) methylamino] carbonyl]amino] sulfonyl] benzoate and application adjuvants (CAS No. 101200–48–0) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1132. MIXTURES OF N-[(4,6-DIMETHOXYPYRIMIDIN- 2- YL) AMINOCARBONYL]- 3- (ETHYLSULFONYL)- 2- PYRIDINE- SULFONAMIDE; METHYL 3- [[[[(4METHOXY- 6- METHYL- 1,3,5- TRIAZIN- 2- YL) AMINO] CARBONYL] AMINO] SULFONYL]- 2- THIOPHENECARBOXYLATE; AND APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.32	Mixtures of N-[(4,6-Dimethoxypyrimidin-2-yl) aminocarbonyl]-3-(ethylsulfonyl)-2-pyridine-sulfonamide; Methyl 3-[[[[(4methoxy-6- methyl-1,3,5- triazin-2-yl) amino]carbonyl] amino] sulfonyl]-2-thiophenecarboxylate; and application adjuvants (CAS Nos. 122931–48–0 and 79277–27–3) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1133. VAT BLACK 25.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.33	Anthra[2,1,9-mna]naphth[2,3-h]acridine-5,10,15(16H)-trione,3-[(9,10-dihydro-9,10-dioxo-1-anthracenyl) amino]- (Vat Black 25) (CAS No. 4395–53–3) (provided for in subheading 3204.15.80)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1134. ALLYL 3-CYCLOHEXYLPROPIONATE (CYCLOHEXANEPROPANOIC ACID, 2-PROPENYL ESTER).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.34	Allyl 3-cyclohexylpropionate (cyclohexanepropanoic acid, 2-propenyl ester) (CAS No. 2705–87–5) (provided for in subheading 2916.20.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1135. NEOHELIOPAN HYDRO (2-PHENYLBENZIMIDAZOLE-5-SULFONIC ACID).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.35	NeoHeliopan Hydro (2-Phenylbenzimidazole-5-sulfonic acid) (CAS No. 27503–81–7) (provided for in subheading 2933.99.79)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1136. SODIUM METHYLATE POWDER (NA METHYLATE POWDER).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.36	Sodium Methylate Powder (Na Methylate Powder) (CAS No. 124–41–4) (provided for in subheading 2905.19.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1137. GLOBANONE (CYCLOHEXADEC-8-EN-1-ONE) (CHD).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.37	Globanone (Cyclohexadec-8-en-1-one) (CHD) (CAS No. 3100–36–5) (provided for in subheading 2914.29.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1138. METHYL ACETOPHENONE-PARA (MELILOT).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.38	Methyl Acetophenone-para (Melilot) (CAS No. 122–00–9) (provided for in subheading 2914.39.90)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1139. MAJANTOL (2,2-DIMETHYL-3-(3-METHYLPHENYL)PROPANOL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.39	Majantol (2,2-Dimethyl-3-(3-methylphenyl)- propanol) (CAS No. 103694–68–4) (provided for in subheading 2906.29.20)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1140. NEOHELIOPAN MA (MENTHYL ANTHRANILATE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.40	NeoHeliopan MA (Menthyl Anthranilate) (CAS No. 134–09–8) (provided for in subheading 2922.49.37)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1141. ALLYL ISOSULFOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.41	Allyl isosulfocyanate (CAS No. 57–06–7) (provided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1142. FRESCOLAT (5-METHYL-2-(1-METHYLETHYL)CYCLOHEXYL-2-HYDROXYPROPANOATE, LACTIC ACID MENTHYL ESTER).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.42	Frescolat (5-methyl-2-(1-methylethyl)cyclohexyl-2-hydroxypropanoate, lactic acid menthyl ester) (CAS No. 59259–38–0) (provided for in subheading 2918.11.50)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1143. THYMOL (ALPHA-CYMOPHENOL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.43	Thymol (alpha-Cymophenol) (CAS No. 89–83–8) (provided for in subheading 2907.19.40)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1144. BENZYL CARBAZATE.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.01.44	Phenylmethyl hydrazinecarboxylate (CAS No. 5331–43–1) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1145. ESFENVALERATE TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in the numerical sequence the following new heading:

“	9902.01.45	(S)-Cyano (3-phenoxyphenyl)- methyl (S)-4-chloro-α-(1-methyethyl)-benzeneacetate (CAS No. 66230–04–4) (provided for in subheading 2926.90.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1146. AVAUNT AND STEWARD.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.46	Mixtures of (S)-methyl 7-chloro-2,5-dihydro-2-[[(methoxycarbonyl) [4 (trifluoromethoxy) phenyl] amino]-carbonyl] indeno [1,2-e][1,3,4] oxadiazine-4a- (3H)-carboxylate (CAS Nos. 144171–61–9 and 173584–44–6) and application adjuvants (provided for in subheading 3808.10.25)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1147. HELIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.47	Helium (provided for in subheading 2804.29.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1148. ETHYL PYRUVATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.48	Ethyl pyruvate (CAS No. 617–35–6) (provided for in subheading 2918.30.90)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1149. DELTAMETHRIN (1R,3R)-3(2,2-DIBROMOVINYL)-2,2-DIMETHYLCYCLOPROPANECARBOXLIC ACID (S)-α-CYANO-3-PHEONXYBENZYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.49	Deltamethrin (1R,3R)-3(2,2-dibromovinyl) -2,2-dimethylcyclopropanecarboxlic acid (S)-α-cyano-3-phenoxybenzyl ester in bulk or in forms or packings for retail sale (CAS No. 52918–63–5) (provided for in subheading 2926.90.30 or 3808.10.25)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1150. ASULAM SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.50	Asulam sodium salt (CAS No. 2302–17–2) imported put up in forms or packings for retail sale or as preparations (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1151. TRALOMETHRIN (1R,3S)3[(1′RS)(1′,2′,2′,2′,-TETRABROMOETHYL)]-2,2-DIMETHYLCYCLOPROPANECARBOXYLIC ACID,(S)-ALPHA-CYANO-3-PHENOXYBENZYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.52	Tralomethrin (1R,3S)3[(1′RS) (1′,2′,2′,2′,-Tetrabromoethyl)]-2,2-dimethylcyclopropanecarboxylic acid,(S)-alpha-cyano-3-phenoxybenzyl ester in bulk or in forms or packages for retail sale (CAS No. 66841–25–6) (provided for in subheading 2926.90.30 or 3808.10.25 for imports in bulk form)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1152. N-PHENYL-N′-(1,2,3-THIADIAZOL-5-YL)-UREA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.53	N-phenyl-N′-(1,2,3-thiadiazol-5-yl)-urea (thidiazuron) in bulk or in forms or packages for retail sale (CAS No. 51707–55–2) (provided for in subheading 2934.99.15 or 3808.30.15)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1153. BENZENEPROPANOIC ACID, ALPHA-2- DICHLORO-5-{4 (DIFLUOROMETHYL)- 4,5-DIHYDRO-3-METHYL-5-OXO-1H-1,2,4-TRIAZOL-1-YL}-4-FLUORO-ETHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.54	Benzenepropanoic acid, alpha-2- dichloro-5-{4 (difluoromethyl)- 4,5-dihydro-3-methyl-5-oxo-1H-1,2,4-triazol-1-yl}-4-fluoro-ethyl ester (CAS No. 128639–02–1) (provided for in subheading 2933.99.22)	4.9%	No change	No change	On or before 12/31/2005	".

SEC. 1154. (Z)-(1RS, 3RS)-3-(2-CHLORO-3,3,3 TRIFLOURO-1-PROPENYL)-2,2-DIMETHYL-CYCLOPROPANE CARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.55	(Z)-(1RS, 3RS)-3-(2-chloro-3,3,3 triflouro-1-propenyl)-2,2-dimethyl-cyclopropane carboxylic acid (CAS No. 68127–59–3) (provided for in subheading 2916.20.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1155. Z-CHLOROBENZYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.56	Z-chlorobenzyl chloride (CAS No. 611–19–8) (provided for in subheading 2903.69.70)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1156. (S)-ALPHA-HYDROXY-3-PHENOXYBENZENEACETONITRILE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.57	(S)-Alpha-hydroxy-3-phenoxybenzeneacetonitrile (CAS No. 61826–76–4) (provided for in subheading 2926.90.43)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1157. 4-PENTENOIC ACID, 3,3-DIMETHYL-, METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.58	4-Pentenoic acid, 3,3-dimethyl-, methyl ester (CAS No. 63721–05–1) (provided for in subheading 2916.19.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1158. TERRAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.59	Etridiazole [5-ethoxy-3 (trichloromethyl) -1,2,4-thiadiazole] (CAS No. 2593–15–9) (provided for in subheading 2934.99.90) and any mixtures (preparations) containing Etridiazole as the active (provided for in subheading 3808.20.50)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1159. 2-MERCAPTOETHANOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.60	2-Mercaptoethanol (CAS No. 60–24–2) (provided for in subheading 2930.90.90)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1160. BIFENAZATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.61	hydrazine carboxylic acid, 2-(4-methxyl[1.1′ - biphenyl]-3-yl)-1-methylethyl ester (CA) (CAS No. 149877–41–8) (provided for in subheading 2928.00.25)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1161. A CERTAIN POLYMER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.62	Fluoropolymers containing 95 percent or more by weight of the 3 monomer units tetrafluoroethylene, hexafluoropropylene, and vinylidene fluoride (provided for in subheading 3904.69.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1162. PARA ETHYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.63	Para ethylphenol (CAS No. 123–07–9) (provided for in subheading 2907.19.20)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1163. EZETIMIBE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.64	2-Azetidinone, 1-(4-fluorophenyl)-3-[(3S)-3-(4-fluorophenyl)-3-hydroxypropyl]-4-(4-hydroxyphenyl)-,(3R,4S)-(9CI) (CAS No. 163222-33-1) (provided for in subheading 2933.79.08)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1164. P-CRESIDINE SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.65	P-Cresidine sulfonic acid (4-amino-5-methoxy-2-methylbenzenesulfonic acid) (CAS No. 6471–78–9) (provided for in subheading 2922.29.80)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1165. 2,4 DISULFOBENZALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.66	2,4 disulfobenzaldehyde (CAS No. 88–39–1) (provided for in subheading 2913.00.40)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1166. M-HYDROXYBENZALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.67	M-hydroxybenzaldehyde (CAS No. 100–83–4) (provided for in subheading 2912.49.25)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1167. N-ETHYL-N-(3-SULFOBENZYL)ANILINE, BENZENESULFONIC ACID, 3[(ETHYLPHENYLAMINO)METHYL].

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.68	N-Ethyl-n-(3-sulfobenzyl)aniline, Benzenesulfonic acid, 3[(ethyl-phenylamino)methyl] (CAS No. 101–11–1) (provided for in subheading 2921.42.90)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1168. ACRYLIC FIBER TOW.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.69	Acrylic fiber tow (polyacrylonitrile tow) consisting of 6 sub-bundles crimped together, each containing 45,000 filaments and 2–8 percent water, such acrylic fiber containing a minimum of 92 percent acrylonitrile, not more than 0.1 percent zinc and average filament denier of either 1.35 denier (plus or minus 0.08) or 1.2 denier (plus or minus .08) (provided for in sub-heading 5501.30.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1169. YTTRIUM OXIDES AND EUROPIUM OXIDES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.70	Yttrium oxides and europium oxides, both having a purity of at least .9999 (CAS Nos. 1314–36–9 and 1308–96–7) (provided for in subheading 2846.90.80)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1170. HEXANEDIOIC ACID, POLYMER WITH 1,3-BENZENEDIMETHANAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.71	Hexanedioic acid, polymer with 1,3-benzenedimethanamine (CAS No. 25718–70–1) (provided for in subheading 3908.10.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1171. N1-[(6-CHLORO-3-PYRIDYL)METHYL]-N2-CYANO-N1-METHYLACETAMIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.72	N1-[(6-chloro-3-pyridyl)methyl]-N2-cyano-N1-methylacetamidine (CAS No. 135410–20–7) (provided for in subheadings 2933.39.27 and 3808.10.25)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1172. ALUMINUM TRIS (O-ETHYL PHOSPHONATE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.73	Aluminum tris (O-ethyl phosphonate) (CAS No. 39148–24–8) (provided for in subheading 2920.90.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1173. MIXTURE OF DISPERSE BLUE 77 AND DISPERSE BLUE 56

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.74	A mixture of Disperse Blue 77 and Disperse Blue 56 (CAS Nos. 20241–76–3 and 12217–79–7) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1174. ACID BLACK 194.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.75	Acid Black 194 (CAS No. 57693–14–8) (provided for in subheading 3204.12.20)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1175. MIXTURE OF 9,10-ANTHRACENEDIONE, 1,5-DIHYDROXY-4-NITRO-8-(PHENYLAMINO)-AND 9,10-ANTHRACENEDIONE, 1,8-DIHYDROXY-4-NITRO-5-(PHENYLAMINO)-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.76	A mixture of 9,10-Anthracenedione, 1,5-dihydroxy-4-nitro-8-(phenylamino)- and 9,10-Anthracenedione, 1,8-dihydroxy-4-nitro-5-(phenylamino)- (CAS Nos. 3065–87–0 and 20241–76–3) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1176. CASES FOR CERTAIN TOYS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.77	Cases or containers (provided for in subheading 4202.92.90) specifically designed or fitted for goods of headings 9502–9504, inclusive	Free	No change	No change	On or before 12/31/2005	".

SEC. 1177. BAGS FOR CERTAIN TOYS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.78	Bags (provided for in subheading 4202.92.45) for transporting, storing, or protecting goods of headings 9502–9504, inclusive, imported and sold with such articles therein	Free	No change	No change	On or before 12/31/2005	".

SEC. 1178. CERTAIN CHILDREN'S PRODUCTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.79	Image projectors capable of projecting images from circular mounted sets of stereoscopic photographic transparencies, such mounts measuring approximately 8.99 cm in diameter (provided for in subheading 9008.30.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1179. CERTAIN OPTICAL INSTRUMENTS USED IN CHILDREN'S PRODUCTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.80	Optical instruments designed for the viewing of circular mounted sets of stereoscopic photographic transparencies, such mounts measuring approximately 8.99 cm in diameter (provided for in subheading 9013.80.90)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1180. CASES FOR CERTAIN CHILDREN'S PRODUCTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.81	Cases or containers (provided for in subheading 4202.92.90) specifically designed or fitted for circular mounts for sets of stereoscopic photographic transparencies, such mounts measuring approximately 8.99 cm in diameter imported and sold with such articles therein	Free	No change	No change	On or before 12/31/2005	".

SEC. 1181. 2,4-DICHLOROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.82	2,4-dichloroaniline (CAS No. 554–00–7) (provided for in subheading 2921.42.18)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1182. ETHOPROP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.83	O-Ethyl S, S-Dipropyl Phosphorodithioate (CAS No. 13194–48–4) (provided for in subheading 2930.90.44)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1183. FORAMSULFURON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.84	N,N-dimethyl-2[3-(4,6-dimethoxypyrimidin-2-yl) ureidosulfonyl]-4-formylaminobenzamide (CAS No. 173159–57–4) (provided for in subheading 3808.30.15)	3%	No change	No change	On or before 12/31/2005	".

SEC. 1184. CERTAIN EPOXY MOLDING COMPOUNDS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.85	Epoxy molding compounds, of a kind used for encapsulating integrated circuits (provided for in subheading 3907.30.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1185. DIMETHYLDICYANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.86	Dimethyldicyane (2,2'-Dimethyl-4,4'-methylenebis- (cyclohexylamine) (CAS No. 6864–37–5) (provided for in subheading 2921.30.30)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1186. TRIACETONE DIAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.87	Triacetone diamine (CAS No. 36768–62–4) (provided for in subheading 2933.39.61)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1187. TRIETHYLENE GLYCOL BIS[3-(3-TERT-BUTYL-4-HYDROXY-5-METHYLPHENYL) PROPIONATE].

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

"	9902.01.88	Triethylene glycol bis[3-(3-tert-butyl-4-hydroxy-5-methylphenyl) propionate] propionate (CAS No. 36443–68–2) (provided for in subheading 2918.90.43)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1188. CERTAIN POWER WEAVING TEXTILE MACHINERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.89	Power weaving machines (looms), shuttle type, for weaving fabrics of a width exceeding 30 cm but not exceeding 4.9 m, entered without off-loom or large loom take-ups, drop wires, heddles, reeds, harness frames, or beams (provided for in subheading 8446.21.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1189. CERTAIN FILAMENT YARNS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.01.90	Synthetic filament yarn (other than sewing thread) not put up for retail sale, single, of decitex sizes of 23 to 850, with between 4 and 68 filaments, with a twist of 100 to 300 turns/m, of nylon or other polyamides, containing 10 percent or more by weight of nylon 12 (provided for in subheading 5402.51.00)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1190. CERTAIN OTHER FILAMENT YARNS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.91	Synthetic filament yarn (other than sewing thread) not put up for retail sale, single, of decitex sizes of 23 to 850, with between 4 and 68 filaments, untwisted, of nylon or other polyamides, containing 10 percent or more by weight of nylon 12 (provided for in subheading 5402.41.90)	Free	Free	No change	On or before 12/31/2005	”.

SEC. 1191. CERTAIN INK-JET TEXTILE PRINTING MACHINERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.92	Ink-jet textile printing machinery (provided for in subheading 8443.51.10)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1192. CERTAIN OTHER TEXTILE PRINTING MACHINERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.93	Textile printing machinery (provided for in subheading 8443.59.10)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1193. D-MANNOSE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following heading:

“	9902.01.94	D-Mannose (CAS No. 3458–28–4) (provided for in subheading 2940.00.60)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1194. BENZAMIDE, N-METHYL-2-[[3-[(1E)-2-(2-PYRIDINYL_ETHENYL]-1H-INDAZOL-6- YL)THIO]-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.95	Benzamide, N-methyl-2-[[3-[(1E)-2-(2-pyridinyl_ethenyl]-1H-indazol-6-yl)thio]- (CAS No. 319460–85–0) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1195. 1(2H)-QUINOLINECARBOXYLIC ACID, 4-[[[3,5- BIS(TRIFLUOROMETHYL) PHENYL] METHYL(METHOXY CARBONYL)AMINO]-2-ETHYL- 3,4-DIHYDRO-6- (TRIFLUOROMETHYL)-, ETHYL ESTER, (2R,4S)-(9CI).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.96	1(2H)-Quinolinecarboxylic acid, 4-[[[3,5- bis(trifluoro-methyl)phenyl] methyl] (methoxycarbonyl)amino]-2-ethyl- 3,4-dihydro-6-(trifluoromethyl)-, ethyl ester, (2R,4S)-(9CI) (CAS No. 262352–17–0) (provided for in subheading 2933.49.26)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1196. DISULFIDE,BIS(3,5-DICHLOROPHENYL)(9C1).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.97	Disulfide,bis(3,5-dichlorophenyl)(9C1) (CAS No. 137897–99–5) (provided for in subheading 2930.90.29)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1197. PYRIDINE,4-[[4-(1-METHYLETHYL)-2-[(PHENYLMETHOXY)METHYL]-1H- MIDAZOL-1-YL] METHYL]- ETHANEDIOATE (1:2).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.98	Pyridine,4-[[4-(1-methylethyl)-2-[(phenylmethoxy)methyl]-1H-imidazol-1-yl] methyl]-ethanedioate (1:2) (CAS No. 280129–82–0) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1198. PACLOBUTRAZOLE TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.01.99	Paclobutrazole Technical - 1H-1,2,4-triazole-1-ethanol, beta-[(4-chlorophenyl)methyl]-alpha-(1,1-dimethylethyl)-, (R*,R*)-(+-)- (CAS No. 76738–62–0) (provided for in subheading 2933.99.22)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1199. PACLOBUTRAZOLE 2SC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.01	Paclobutrazole 2SC, a plant growth regulator end use formulated product containing paclobutrazole active ingredient - 1H-1,2,4-triazole-1-ethanol, beta-[(4-chlorophenyl)methyl]-alpha-(1,1-dimethylethyl)-, (R*,R*)-(+-)- (CAS No. 76738–62–0) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1200. METHIDATHION TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.02	S- [(5-methoxy-2-oxo-1,3,4-thiadiazol-3(2H)-yl)-methyl] O,O-dimethyl phosphorodithioate (CAS No. 950–37–8) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1201. VANGUARD 75 WDG.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.03	Vanguard 75 WDG, a fungicide end use formulated product containing Cyprodinil active ingredient 2-pyrimidinamine, 4-cyclopropyl-6-methyl-N-phenyl (CAS No. 121552–61–2) (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1202. WAKIL XL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.04	Wakil XL, a seed treatment end use formulated product containing the following active ingredients: Metalaxyl-M -D-alanine, N-(2,6-dimethylphenyl)-N-methoxyacetyl)-, methyl ester (CAS No. 70630–17–0); Fludioxinil - 1H-pyrrole-3-carbonitrile, 4-(2,2-difluoro-1,3-benzodioxol-4-yl (CAS No. 131341–86–1); Cymoxanil - acetamide, 2-cyano-N-[(ethylamino)carbonyl]-2-(methoxyimino)- (CAS No. 57966–95–7) (provided in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1203. MUCOCHLORIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.05	2-Butenoic acid, 2,3-dichloro-4-oxo-, (2Z) (CAS No. 87–56–9) (provided for in subheading 2918.30.90)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1204. AZOXYSTROBIN TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.06	Benzeneacetic acid, 2[[6-(2-cyanophenoxy)-4-pyrimidinyl]oxy]-alpha-(methoxymethylene)-, methyl ester, (alpha E)- (CAS No. 131860–33–8) (provided for in subheading 2933.59.15)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1205. FLUMETRALIN TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.07	2-chloro-N-[2,6-dinitro-4-(trifluoromethyl)phenyl]-N-ethyl-6-fluorobenzenemethanamine (CAS No. 62924–70–3) (provided for in subheading 2921.49.45)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1206. CYPRODINIL TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.08	2- pyrimidinamine, 4-cyclopropyl-6-methyl-N-phenyl- (CAS No. 121552–61–2) (provided for in subheading 2933.59.15)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1207. MIXTURES OF LAMBDA-CYHALOTHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.09	Cyclopropanecarboxylic acid, 3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethyl-,cyano(3-phenoxyphenyl)methyl ester, [1.alpha. (S*),3.alpha. (Z)]-(.+-.)- (CAS No. 91465–08–6) (provided for in subheading 3808.10.25)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1208. PRIMISULFURON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.10	Benzoic acid, 2[[[[[4,6-bis (difluoromethoxy)-2- pyrimidinyl] amino]carbonyl] amino]sulfonyl]-, methyl ester (CAS No. 86209–51–0) (provided for in subheading 2935.00.75)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1209. 1,2 CYCLOHEXANEDIONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.11	1,2 Cyclohexanedione (CAS No. 765–87–7) (provided for in subheading 2914.29.50)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1210. DIFENOCONAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.12	1H-1,2,4-triazole, 1-[[2--[2-chloro-4-(4-chlorophenoxy)phenyl]-4-methyl-1,3-dioxolan-2-yl]methyl]- (CAS No. 119446–68–3) (provided for in subheading 2934.99.12)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1211. CERTAIN REFRACTING AND REFLECTING TELESCOPES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.13	Refracting telescopes with 50 mm or smaller lenses and reflecting telescopes with 76 mm or smaller lenses (provided for in subheading 9005.80.40)	Free	Free	No change	On or before 12/31/2005	”.

SEC. 1212. PHENYLISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.14	Phenylisocyanate (CAS No. 103–71–9) (provided for in subheading 2929.10.80)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1213. BAYOWET FT-248.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.15	Tetraethylammonium perfluoroctanesulfonate (CAS No. 56773–42–3) (provided for in subheading 2923.90.00)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1214. P-PHENYLPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.16	Biphenyl--4-ol (CAS No. 92–69–3) (provided for in subheading 2907.19.80)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1215. CERTAIN RUBBER RIDING BOOTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.17	Horseback riding boots with soles and uppers of rubber that extend above the ankle and below the knee, and have a spur rest on the heel counter (provided for in subheading 6401.92)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1216. CHEMICAL RH WATER-BASED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.18	Chemical RH water-based (iron toluene sulfanate) (comprised of 75% water, 25% p-Toluenesulfonic acid (CAS No. 6192–52–5) and 5% feric oxide (CAS No. 1309–37–1)) (provided for in subheading 2904.10.10)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1217. CHEMICAL NR ETHANOL-BASED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.19	Chemical NR Ethanol-based (iron toluene sulfanate) (60% ethanol (CAS NO. 63–17–5), 33% p-Toluenesulfonic acid (CAS No. 6192–52–5), and 7% feric oxide (CAS No. 1309–37–1)) (provided for in subheading 2912.12.00) ...	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1218. TANTALUM CAPACITOR INK.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.20	Tantalum capacitor ink: Graphite Ink P7300 of 85% butyl acetate, 8% graphite, and the remaining balance of non-hazardous resins; and Graphite Paste P5900 of 92-96% water, 1-3% graphite (CAS No. 7782–42–5), 0.5%-2% ammonia (CAS No. 7664–41–7), and less than 1% acrylic resin (CAS No. 9003–32–1) (provided for in subheading 3207.30.00)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1219. EUROPIUM OXIDES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.22	Europium oxides having a purity of at least 99.99 percent (CAS No. 1308–96–7) (provided for in subheading 2846.90.80)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1219A. CERTAIN SAWING MACHINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.84.91	Sawing machines certified for use in production of radial tires, designed for off-the-highway use, and for use on a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.62.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.93.40, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8465.91.00 or 8466.92.50) –	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1220. CERTAIN SECTOR MOLD PRESS MANUFACTURING EQUIPMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.84.89	Sector mold press machines to be used in production of radial tires designed for off-the highway use with a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.62.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.93.40, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8477.51.00 or 8477.90.85) —	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1221. CERTAIN MANUFACTURING EQUIPMENT USED FOR MOLDING.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.84.87	Machinery for molding retreading, or otherwise forming uncured, unvulcanized rubber to be used in production of radial tires designed for off-the-highway use with a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.62.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.93.40, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8477.51.00 or 8477.90.85)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1222. CERTAIN EXTRUDERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.84.85	Extruders to be used in production of radial tires designed for off-the-highway use with a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.62.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.93.40, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8477.20.00 or 8477.90.85) —	Free	No change	No change	On or before 12/31/2005	".

SEC. 1223. CERTAIN SHEARING MACHINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.84.81	Shearing machines used to cut metallic tissue certified for use in production of radial tires designed for off-the highway use with a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.62.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.93.40, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8462.31.00 or 8466.94.85)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1224. THERMAL RELEASE PLASTIC FILM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.26	Thermal release plastic film (provided for in subheading 3919.10.20)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1225. CERTAIN SILVER PAINTS AND PASTES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.27	P6100-52 percent silver Ag Paint; P7400-52.8 percent silver AG Paint; P7402-61.6 percent silver Ag Paste; and P7500-52.8 percent silver Ag Paint (provided for in subheading 2843.10.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1226. POLYMER MASKING MATERIAL FOR ALUMINUM CAPACITORS (UPICOAT).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.28	Polymer masking material for aluminum capacitors (UPICOAT of 40 percent solute denatured polymide and 60 percent solvent dicthylenglycol dimethylethers (CAS No. 111–96–6)) (provided for in subheading 2909.41.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1227. OBPA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.29	10′10′ Oxybisphenoxarsine (CAS No. 58–36–6) (provided for in subheading 2934.99.18)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1228. MACROPOROUS ION-EXCHANGE RESIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.30	Macroporous ion-exchange resin comprising a copolymer of styrene crosslinked with divinylbenzene, thiol functionalized (CAS No. 113834–91–6) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1229. COPPER 8-QUINOLINOLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.31	Copper 8-Quinolinolate (CAS No. 10380–28–6) (provided for in subheading 2933.49.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1230. ION-EXCHANGE RESIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.32	Ion-exchange resin comprising a copolymer of styrene crosslinked with divinylbenzene, iminodiacetic acid, sodium form (CAS No. 244203–30–3) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1231. ION-EXCHANGE RESIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.33	Ion-exchange resin comprising a copolymer of styrene crosslinked with ethenylbenzene, aminophosphonic acid, sodium form (CAS No. 125935–42–4) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1232. ION-EXCHANGE RESIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.34	Ion-exchange resin comprising a copolymer of styrene crosslinked with divinylbenzene, sulphonic acid, sodium form (CAS No. 63182–08–1) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1233. 3-[(4 AMINO-3-METHOXYPHENYL) AZO]-BENZENE SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.35	3-[(4 Amino-3-Methoxyphenyl) Azo]-benzene sulfonic acid (CAS No. 138–28–3) (provided for in subheading 2927.00.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1234. 2-METHYL-5-NITROBENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.36	2-Methyl-5-nitrobenzenesulfonic acid (CAS No. 121–03–9) (provided for in subheading 2904.90.20)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1235. 2 AMINO 6 NITRO PHENOL 4 SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.37	2 Amino 6 Nitro Phenol 4 sulfonic acid (CAS No. 96–93–5) (provided for in subheading 2922.29.60)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1236. 2 AMINO 5 SULFOBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.38	2 Amino 5 sulfobenzoic acid (CAS No. 3577–63–7) (provided for in subheading 2922.49.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1237. 2,5 BIS [(1,3 DIOXOBUTYL) AMINO] BENZENE SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.39	2,5 bis [(1,3 Dioxobutyl) Amino] benzene sulfonic acid (CAS No. 70185–87–4) (provided for in subheading 2924.29.71)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1238. P-AMINOAZOBENZENE 4 SULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.40	p-Aminoazobenzene 4 sulfonic acid, monosodium salt (CAS No. 2491–71–6) (provided for in subheading 2927.00.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1239. P-AMINOAZOBENZENE 4 SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.41	p-Aminoazobenzene 4 sulfonic acid (CAS No. 104–23–4) (provided for in subheading 2927.00.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1240. 3-[(4 AMINO-3-METHOXYPHENYL) AZO]-BENZENE SULFONIC ACID, MONOSODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.42	3-[(4 Amino-3-Methoxyphenyl) Azo]-benzene sulfonic acid, monosodium salt (CAS No. 6300–07–8) (provided for in subheading 2927.00.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1241. ET-743 (ECTEINASCIDIN).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.43	[6R-(6a, 6ab, 7b, 13b, 14b, 16a, 20R*)]-5-acetyloxy)-3′, 4′, 6, 6a, 7, 13, 14, 16,-octahydro-6′, 8, 14-trihydroxy-7′, 9-dimethoxy-4, 10, 23-trimethyl-spiro[6, 16-b][3]benzazocine-20, 1′(2H)-isoquinolin]-19-one (CAS No. 114899–77–3) (provided for in subheading 2934.99.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1242. 2,7-NAPHTHALENEDISULFONIC ACID, 5-[[4-CHLORO-6-[[2-[[4-FLUORO-6-[[5-HYDROXY-6-[(4-METHOXY-2-SULFOPHENYL)AZO]-7-SULFO-2-NAPHTHALENYL]AMINO]-1,3,5-TRIAZIN-2-YL] AMINO]-1-METHYLETHYL]AMINO]-1,3,5-TRIAZIN-2-YL]AMINO]-3-[[4-(ETHENYLSULFONYL)PHENYL]AZO]-4-HYDROX′-, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.44	2,7-Naphthalene- disulfonic acid, 5-[[4-chloro-6-[[2-[[4-fluoro-6-[[5-hydroxy-6-[(4-methoxy-2-sulfophenyl)azo]-7-sulfo-2-naphthalenyl]amino]-1,3,5-triazin-2-yl] amino]-1-methylethyl]amino]-1,3,5-triazin-2-yl]amino]-3-[[4-(ethenylsulfony-l)phenyl]azo]-4-hydrox′-, sodium salt (CAS No. 168113–78–8) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1243. 1,5-NAPHTHALENEDISULFONIC ACID, 3-[[2-(ACETYLAMINO)-4-[[4-[[2-[2- (ETHENYLSULFONYL) ETHOXY] ETHYL] AMINO]-6-FLUORO-1,3,5-TRIAZIN-2-YL]AMINO]PHENYL]AZO]-, DISODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.45	1,5-Naphthalenedisulfonic acid, 3-[[2-(acetylamino)-4-[[4-[[2-[2- (ethenylsulfonyl) ethoxy]ethyl]amino]-6-fluoro-1,3,5-triazin-2-yl] amino] phenyl]azo]-, disodium salt (CAS No. 98635–31–5) (provided for in sub-heading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1244. 7,7′-[1,3-PROPANEDIYLBIS[IMINO(6-FLUORO-1,3,5-TRIAZINE-4,2-DIYL)IMINO[2-[(AMINOCARBONYL)AMINO]-4,1-PHENYLENE]AZO]]BIS-, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.46	7,7′-[1,3-propanediylbis [imino(6-fluoro-1,3,5-triazine-4,2-diyl)imino[2-[(aminocarbonyl)amino]-4,1-phen-ylene]azo]]bis-, sodium salt (CAS No. 143683–24–3) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1245. CUPRATE(3-), [2-[[[[3-[[4-[[2-[2- (ETHENYLSULFONYL) ETHOXY] ETHYL]AMINO]-6-FLUORO-1, 3, 5-TRIAZIN-2-YL]AMINO]-2- (HYDROXY-.KAPPA.O)-5-SULFOPHENYL]AZO-.KAPPA. N2]PHENYLMETHYL]AZO-.KAPPA.N1]-4-SULFOBENZOATO(5-)- .KAPPA.O], TRISODIUM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.47	Cuprate(3-), [2-[[[[3-[[4-[[2-[2-(ethenylsulfonyl) ethoxy]ethyl]amino]-6-fluoro-1,3,5-triazin-2-yl]amino]-2-(hydroxy-.kappa.O)-5-sulfophenyl]azo-.kappa.N2] phenylmethyl]azo-.kappa.N1]-4-sulfobenzoato(5-)-.kappa.O], trisodium (CAS No. 106404–06–2) (provided for in sub-heading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1246. 1,5-NAPHTHALENEDISULFONIC ACID, 2-[[8-[[4-[[3-[[[2-(ETHENYLSULFONYL) ETHYL]AMINO]CARBONYL] PHENYL]AMINO]-6-FLUORO-1,3, 5-TRIAZIN-2-YL]AMINO]-1- HYDROXY-3,6-DISULFO-2- NAPHTHALENYL]AZO]-, TETRASODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.48	1,5-Naphthalenedisulfonic acid, 2-[[8-[[4-[[3-[[[2- (ethenyl sulfonyl) ethyl] amino]carbonyl] pheny]amino]-6-fluoro-1,3,5-triazin-2-yl]amino]-1-hydrosy-3,6-disulfo-2-naphthalenyl]azo]-, tetrasodium salt (CAS No. 116912-36-8) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1247. PTFMBA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.49	p-(Triflurormethyl) benzaldehyde (CAS No. 455–19–6) (provided for in subheading 2913.00.40)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1248. BENZOIC ACID, 2-AMINO-4-[[(2,5-DICHLOROPHENYL)AMINO] ARBONYL]-, METHYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.02.51	Benzoic acid, 2-amino-4-[[(2,5-dichlorophenyl) amino]carbonyl]-, methyl ester (CAS No. 59673–82–4) (provided for in subheading 2924.29.71)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1249. IMIDACLOPRID PESTICIDES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.52	Pesticides based upon Imidacloprid 1-[(6-Chloro-3-pyridnyl)methyl]-*N*-nitro-2-imidazolidinimine (CAS No. 138261–41–3) with application adjuvants (provided for in subheading 3808.10.25)	5.7%	No change	No change	On or before 12/31/2005	”.

SEC. 1250. BETA-CYFLUTHRIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.54	Beta-cyfluthrin (CAS No. 68359–37–5) (provided for in subheading 2926.90.30)	4.3%	No change	No change	On or before 12/31/2005	”.

SEC. 1251. IMIDACLOPRID TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.55	Imidacloprid 1-[(6-Chloro-3-pyridinyl)methyl]-*N*-nitro-2-imidazolidinimine (CAS No. 138261–41–3) (provided for in subheading 2933.39.27)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1252. BAYLETON TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.56	Triadimefon 1-(4-Chlorophenoxy)-3,3-dimethyl-1-(1*H*-1,2,4-triazol-1-yl)-2-butanone (CAS No. 43121–43–3) (provided for in subheading 2933.99.22)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1253. PROPOXUR TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.57	Propoxur 2-(1-methylethoxy)phenol methylcarbamate (CAS No. 114–26–1) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1254. MKH 6561 ISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.58	A mixture of 30% 2-(Carbomethoxy) benzenesulfonyl isocyanate (CAS No. 13330–20–7) and 70% Xylenes (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1255. PROPOXY METHYL TRIAZOLONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.59	A mixture of 20% Propoxy Methyl Triazolone (3H-1,2,4-Triazol-3-one, 2, 4-dihydro-4-methyl- 5propoxy) (CAS No. 1330–20–7) and Triazolone (3H-1,2,4-Triazol-3-one, 2,4 dihydro-4-meth-5propoxy) (CAS No. 1330-2-7) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1256. NEMACUR VL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.60	Fenamiphos ethyl 4-(methylthio)-m-tolyl isospropylphosphoramidate (CAS No. 22224–92–6) (provided for in subheading 2930.90.10)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1257. METHOXY METHYL TRIAZOLONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.61	2,4-dihydro-5-methoxy-4-methyl-3*H*-1,2,4-Triazol-3-one (CAS No. 135302–13–5) (provided for in subheading 2933.99.97)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1258. LEVAFIX GOLDEN YELLOW E-G.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.62	1H-Pyrazole-3- carboxylic acid, 4-[[4- [[(2,3-dichloro-6-quinoxalinyl) carbonyl] amino]-2- sulfophenyl] azo]-4,5- dihydro-5-oxo-1- (4-sulfophenyl)-, trisodium salt (CAS No. 75199–00–7) (provided for in subheading 3204.16.20)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1259. LEVAFIX BLUE CA/REMAZOL BLUE CA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.63	Cuprate(4-), [2-[[3- [[substituted]- 1,3,5-triazin- 2-yl]amino]- 2-hydroxy-5-sulfophenyl] (substituted)azo], sodium salt (CAS No. 156830–72–7 (Accn 158282)) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1260. REMAZOL YELLOW RR GRAN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.64	Benzenesulfonic- acid, 2-amino-4-(cyanoamino)- 6-[(3-sulfo- phenyl)amino]-1,3,5-triazin- 2-yl]amino]-5- [[4-[[2-(sulfooxy) ethyl]sulfonyl] phenyl]azo]-, lithium/sodium salt (CAS No. 189574–45–6 (accn 167501)) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1261. INDANTHREN BLUE CLF.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.65	9,10-Anthra- cenedione, 1,1′-[(6-phenyl-1,3,5-triazine- 2,4-diyl)diimino] bis[3-acetyl-4-amino- (CAS No. 32220–82–9) (provided for in subheading 3204.15.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1262. INDANTHREN YELLOW F3GC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.66	[1,1′-Biphenyl]- 4-carboxamide, 4′,4‴-azobis[N- (9,10-dihydro- 9,10-dioxo-1-anthracenyl) (CAS No. 12227–50–8) (provided for in subheading 3204.15.80)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1263. ACETYL CHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.67	Acetyl Chloride (CAS No. 75–36–5) (provided for in subheading 2915.90.50)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1264. 4-METHOXY-PHENACYCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.68	4-Methoxy-phenacychloride (CAS No. 2196–99–8) (provided for in subheading 2914.70.40)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1265. 3-METHOXY-THIOPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.69	3-Methoxy-thiophenol (CAS No. 15570–12–4) (provided for in subheading 2930.90.90)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1266. LEVAFIX BRILLIANT RED E-6BA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.70	Reactive Red 159, 2, 7-Naphthalenedisulfonic acid, 5-(benzoylamino)- 3-[[5-[[(5- chloro-2,6-difluoro-4-pyrimidinyl) amino]methyl]- 1-sulfo-2- naphthalenyl] azo]-4-hydroxy-, lithium sodium salt (CAS No. 83400–12–8) (provided for in subheading 3204.16.20)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1267. REMAZOL BR. BLUE BB 133%.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.71	Cuprate(4-), [4,5-dihydro- 4-[[8-hydroxy- 7-[[2-hydroxy- 5-methoxy- 4-[[2-(sulfooxy)ethyl] sulfonyl] phenyl]azo]-6- sulfo-2- naphtha- lenyl]azo]-5-oxo-1- (4-sulfophenyl)- 1H-pyrazole- 3-carboxylato(6-)]-, sodium (CAS No. 90341–71–2) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1268. FAST NAVY SALT RA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.72	Benzenediazonium, 4-[(2,6- dichloro-4-nitrophenyl)azo]- 2,5-dimethoxy-, (T-4)-tetrachloroz- incate(2-) (2:1) (CAS No. 63224–47–5) (provided for in subheading 2927.00.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1269. LEVAFIX ROYAL BLUE E-FR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.73	Ethanol,2,2′-[[6,13-dichloro-3, 10-bis[[2(sulfooxy) ethyl]amino] tripheno- dioxazinediyl] bis(sul- fonyl)]bis-, bis(hydrogen sulfate) (ester), potassium sodium salt (CAS No. 108692–09–7) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1270. P-CHLORO ANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.74	p-Chloro aniline (CAS No. 106–47–8) (provided for in subheading 2921.42.90)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1271. ESTERS AND SODIUM ESTERS OF PARAHYDROXYBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.75	Esters and sodium esters of Parahydroxybenzoic Acid (CAS Nos. 99–76–3, 94–13–3, 120–47–8, 94–26–8, 94–18–8, 5026–62–0, 35285–69–9, 35285–68–8, 36457–20–2) (provided for in subheadings 2918.29.75 and 2918.29.65)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1272. SANTOLINK EP 560.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.76	Phenol-Formaldehyde Polymer Butylated (CAS No. 96446–41–2) (provided for in subheading 3909.40.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1273. PHENODUR VPW 1942.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.77	Polymer of phenol, 4,4′-(1-methylethylidene)bis-, polymer with (chloromethyl)oxiranel and phenol polymer with formaldehyde modified with chloro acetic acid (provided for in subheading 3909.40.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1274. PHENODUR PR 612.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.78	Formaldehyde, polymer with 2-methylphenol, butylated (CAS No. 118685–25–9) (provided for in subheading 3909.40.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1275. PHENODUR PR 263.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.79	Phenol, polymer with formaldehyde, Bu iso-Bu ether and urea, polymer with formaldehyde, isobutylated (CAS Nos. 126191–57–9 and 68002–18–6) (provided for in subheading 3909.40.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1276. MACRYNAL SM 510 AND 516.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.80	Neodecanoic acid, oxiranylmethyl ester, polymer with ethenylbenzene, 2-hydroxyethyl 2-methyl-2-propenoate, methyl 2-methyl-2-propenoate and 2-propenoic acid (CAS No. 98613–27–5) (provided for in subheading 3906.90.50)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1277. ALFTALAT AN 725.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.81	1,3-Benzenedicarboxylic acid, polymer with 1,4-benzenedicarboxylic acid and 2,2-dimethyl-1,3-propanediol (CAS No. 25214–38–4) (provided for in subheading 3907.99.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1278. RWJ 241947.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.82	(+)-5-[[6-[(2-fluorophenyl) methoxyl] -2 napthalenyl]methyl]-2,4-thiazolidinedione (CAS No. 161600–01–7) (provided for in subheading 2934.10.10)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1279. RWJ 394718.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.83	1-Propanone, 3-(5-benzofuranyl)-1-[2-hydroxy-6-[[6-O-(methoxycarbonyl) -b-D-glucopyranosyl] oxy] -4-methylphenyl -(9CI) (CAS No. 209746–59–8) (provided for in subheading 2932.99.61)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1280. RWJ 394720.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.84	3-(5-benzofuranyl)-1-[2-β-D-glucopyranosyloxy -6-hydroxy-4-methylphenyl]-1-Propanone[2] (CAS No. 209746–56–5) (provided for in subheading 2932.99.61)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1281. 3,4-DCBN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.85	3,4-Dichlorobenzonitrile (CAS No. 6574–99–8) (provided for in subheading 2926.90.12)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1282. CYHALOFOP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.86	Propanoic acid,2-[4-(cyano-2-fluorophenoxy)phenoxy]-butyl ester(2R) (CAS No.122008–85–9) (provided for in subheading 2926.90.25)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1283. ASULAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.87	Asulox carbamic acid,[(4-aminophenyl)sulfonyl]-, methyl ester, monosodium salt (9CI) (CAS No. 2302–17–2) Asulam sodium salt imported in bulk form (provided for in subheading 2935.00.75), or imported in forms or packings for retail sale or mixed with application adjuvants (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1284. FLORASULAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.88	[1,2,4] Triazolo[1,5-c] pyrimidine-2-sulfonamide, N-(2,6-difluorophenyl)-8-fluoro-5-methoxy (CAS No. 145701–23–1) (provided for in subheading 3808.30.15)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1285. PROPANIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.89	Propanamide, N-(3,4-dichlorophenyl) (CAS No. 709–98–8) (provided for in subheading 2924.29.47)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1286. HALOFENOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.90	Benzoic acid, 4-chloro-2-benzoyl-2-(1,1-dimethylethyl) hydrazide (Halofenozide) (CAS No. 112226–61–6) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1287. ORTHO-PHTHALALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.92	1,2-benzenedicarboxaldehyde (CAS No. 643–79–8) (provided for in subheading 2912.29.60)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1288. TRANS 1,3-DICHLOROPROPENE

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

“	9902.02.93	Trans 1,3-dichloropropene (CAS No. 10061–02–6) (provided for in subheading 2903.29.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1289. METHACRYLAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.94	Methacrylamide (CAS No. 79–39–0) (provided for in subheading 2924.19.10)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1290. CATION EXCHANGE RESIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.95	Divinylbenzene, acrylic acid polymer (CAS No. 9052–45–3) (provided for in subheading 3914.00.60)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1291. GALLERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.96	{N-[3-(1-ethyl-1-methylpropyl)-5isoxazolyl]-2,6-dimethoxybenzamide} (CAS No. 82558–50–7) (provided for in subheading 2934.99.15)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1292. NECKS USED IN CATHODE RAY TUBES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.02.97	Necks used in cathode ray tubes (provided for in subheading 7011.20.80)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1293. POLYTETRAMETHYLENE ETHER GLYCOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

“	9902.02.98	Polytetramethylene ether glycol (CAS No. 38640–26–5) (provided for in subheading 3907.20.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1294. LEAF ALCOHOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

“	9902.02.99	Cis-3-Hexen-1-ol (CAS No. 928–96–1) (provided for in subheading 2905.29.90)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1295. COMBED CASHMERE AND CAMEL HAIR YARN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.01	Yarn of combed cashmere or yarn of camel hair (provided for in subheading 5108.20.60)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1296. CERTAIN CARDED CASHMERE YARN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.02	Yarn of carded cashmere of 6 run or finer (equivalent to 19.35 metric yarn system) (provided for in subheading 5108.10.60)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1297. SULFUR BLACK 1.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.03	Sulfur Black 1 (CAS No. 1326–82–5) (provided for in subheading 3204.19.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1298. REDUCED VAT BLUE 43.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.04	Reduced Vat Blue 43 (CAS No. 85737–02–6) (provided for in subheading 3204.15.40)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1299. FLUOROBENZENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.05	Fluorobenzene (CAS No. 462–06–6) (provided for in subheading 2903.69.70)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1300. CERTAIN RAYON FILAMENT YARN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.06	High tenacity multiple (folded) or cabled yarn of viscose rayon (provided for in subheading 5403.10.60)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1301. CERTAIN TIRE CORD FABRIC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.07	Tire cord fabric of high tenacity yarn of viscose rayon (provided for in subheading 5902.90.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1302. DIRECT BLACK 184.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.08	Direct black 184 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1303. BLACK 263 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.09	Black 263 Stage, 5-[4-(7-amino-1-hydroxy-3-sulfo-naphthalen-2-ylazo)-2,5-bis-(2-hydroxy-ethoxy)-phenylazo]-isophthalic acid, lithium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1304. MAGENTA 364.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.10	Magenta 364, 5-[4-(4,5-dimethyl-2-sulfo-phenylamino)-6-hydroxy-[1,3,5-] triazin-2-yl amino]-4-hydroxy-3-(1-sulfo-naphthalen-2-ylazo)-naphthalene-2,7-disulphonic acid, sodium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1305. THIAMETHOXAM TECHNICAL.

(a) CALENDAR YEAR 2003.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.11	Thiamethoxam (3-[(2-chloro-5-thiazolyl)-methyl) tetra-hydro-5-methyl-N-nitro-1,3,5-oxadiazin-4-imine) (CAS No. 153719–23–4) (provided for in subheading 2934.10.90)	2.6%	No change	No change	On or before 12/31/2003	’’.

(b) CALENDAR YEAR 2004.—

(1) IN GENERAL.—Heading 9902.03.11, as added by subsection (a), is amended—

(A) by striking ‘‘2.6%’’ and inserting ‘‘2.54%’’; and

(B) by striking ‘‘On or before 12/31/2003’’ and inserting ‘‘On or before 12/31/2004’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2004.

(c) CALENDAR YEAR 2005.—

(1) IN GENERAL.—Heading 9902.03.11, as added by subsection (a) and amended by this section, is further amended—

(A) by striking ‘‘2.54%’’ and inserting ‘‘3.2%’’; and

(B) by striking ‘‘On or before 12/31/2004’’ and inserting ‘‘On or before 12/31/2005’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2005.

SEC. 1306. CYAN 485 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.12	Cyan 485 Stage, [(Hydroxyethylsulfamoy) sulfophthalocyaninato] copper (II), mixed isomers (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1307. DIRECT BLUE 307.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.14	Direct blue 307 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1308. DIRECT VIOLET 107.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.16	Direct violet 107 (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1309. FAST BLACK 286 STAGE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.17	1,3-benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo]-6-sulfo-1-naphthalenyl]azo]-, sodium salt (CAS No. 201932–24–3) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1310. MIXTURES OF FLUAZINAM.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.18	Mixtures of fluazinam (3-chloro-N- (3-chloro-2,6- dimatro-4-(trifluoro- methyl)-phenyl-5- (trifluoro- methyl)-2-pyridinamine) (CAS No. 79622–59–6) and application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1311. PRODIAMINE TECHNICAL.

(a) CALENDAR YEAR 2003.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.19	Prodiamine (2,6-dimitro-N1,N1-dipropyl-4-(trifluoromethyl)-1,3-benzene-diamine (CAS No. 29091–21–2) (provided for in subheading 2921.59.80)	0.53%	No change	No change	On or before 12/31/2003	’’.

(b) CALENDAR YEARS 2004 AND 2005.—

(1) IN GENERAL.—Heading 9902.03.19, as added by subsection (a), is amended—

(A) by striking ‘‘0.53%’’ and inserting ‘‘Free’’; and

(B) by striking ‘‘On or before 12/31/2003’’ and inserting ‘‘On or before 12/31/2005’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2004.

SEC. 1312. CARBON DIOXIDE CARTRIDGES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.20	Carbon dioxide in threaded 12, 16, and 25 gram non-refillable cartridges (provided for in subheading 2811.21.00)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1313. 12-HYDROXYOCTADECANOIC ACID, REACTION PRODUCT WITH N,N-DIMETHYL, 1,3-PROPANEDIAMINE, DIMETHYL SULFATE, QUATERNIZED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.21	12-Hydroxyoctadecanoic acid, reaction product with *N,N*-dimethyl, 1,3-propanediamine, dimethyl sulfate, quaternized (CAS No. 70879–66–2) (provided for in subheading 3824.90.40)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1314. 40 PERCENT POLYMER ACID SALT/POLYMER AMIDE, 60 PERCENT BUTYL ACETATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.22	40 percent Polymer acid salt/polymer amide, 60 percent Butyl acetate (provided for in subheading 3208.90.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1315. 12-HYDROXYOCTADECANOIC ACID, REACTION PRODUCT WITH N,N-DIMETHYL- 1,3-PROPANEDIAMINE, DIMETHYL SULFATE, QUATERNIZED, 60 PERCENT SOLUTION IN TOLUENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.23	12-Hydroxyoctadecanoic acid, reaction product with *N,N*-dimethyl- 1,3-propanediamine, dimethyl sulfate, quaternized, 60 percent solution in toluene (CAS No. 70879–66–2) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1316. POLYMER ACID SALT/POLYMER AMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.24	Polymer acid salt/polymer amide (provided for in subheading 3824.90.91)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1317. 50 PERCENT AMINE NEUTRALIZED PHOSPHATED POLYESTER POLYMER, 50 PERCENT SOLVESSO 100.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.25	50 percent Amine neutralized phosphated polyester polymer, 50 percent Solvesso 100 (CAS Nos. P–99–1218, 64742–95–6, 95–63–6, 108–67–8, 98–82–8, and 1330–20–7) (provided for in subheading 3907.99.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1318. 1-OCTADECANAMINIUM, N,N-DI-METHYL-N-OCTADECYL-, (SP-4-2)-[29H,31H-PHTHA- LOCYANINE-2- SULFONATO(3-)-.KAPPA.N29,.KAPPA.N30,. KAPPA.N31,.KAPPA.N32]CUPRATE(1-).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.26	1-Octa- decanaminium, *N,N*-dimethyl-*N*-octadecyl-, (Sp-4-2)-[29H,31H- phthalocyanine -2-sulfonato(3-)-.kappa.N29, .kappa. N30, .kappa.N31, .kappa.N32] cuprate(1-) (CAS No. 70750-63-9) (provided for in subheading 3824.90.28)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1319. CHROMATE(1-),BIS{1-{(5-CHLORO–2-HYDROXYPHENYL)AZO}–2-NAPTHAL ENOLATO(2-)}-,HYROGEN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.27	Chromate(1-),bis{1-{(5-chloro-2-hydroxy-phenyl)azo}-2-napthalenolato (2-)}-,hyrogen (CAS No. 31714–55–3) (provided for in subheading 2942.00.10)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1320. BRONATE ADVANCED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.29	Bromoxynil octanoate (provided for in subheading 3808.30.15)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1321. N-CYCLOHEXYLTHIOPHTHALIMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.30	N-Cyclohexylthiophthalimide (CAS No. 17796–82–6) (provided for in subheading 2930.90.24)	3%	No change	No change	On or before 12/31/2005	".

SEC. 1322. CERTAIN HIGH-PERFORMANCE LOUDSPEAKERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.85.20	Loudspeakers not mounted in their enclosures (provided for in subheading 8518.29.80), the foregoing which meet a performance standard of not more than 1.5 dB for the average level of 3 or more octave bands, when such loudspeakers are tested in a reverberant chamber	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1323. BIO-SET INJECTION RCC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following heading:

“	9902.03.33	Bio-Set Injection RCC (provided for in subheading 3923.50.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1324. PENTA AMINO ACETO NITRATE COBALT III (COFLAKE 2).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.34	Penta Amino Aceto Nitrate Cobalt III (provided for in subheading 3815.90.50)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1325. OXASULFURON TECHNICAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.35	Benzoic acid, 2-[[[[(4,6-dimethyl-2-pyrimidinyl) amino]carbonyl] amino] sulfonyl]-3,-oxetanyl ester (CAS No. 144651–06–9) (provided for in subheading 2935.00.75)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1326. CERTAIN MANUFACTURING EQUIPMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.83	Machine tools for working wire of iron or steel certified for use in production of radial tires, designed for off-the-highway use, and for use on a rim measuring 63.5 cm or more in diameter (provided for in subheading 4011.20.10, 4011.61.00, 4011.62.00, 4011.63.00, 4011.69.00, 4011.92.00, 4011.93.40, 4011.94.40, or 4011.99.45), numerically controlled, or parts thereof (provided for in subheading 8463.30.00 or 8466.94.85)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1327. P-AMINO BENZAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.37	P-amino benzamide (CAS No. 28345–68–9) (provided for in subheading 2924.29.76)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1328. FOE HYDROXY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.38	N-(4-fluorophenyl) -2-hydroxy-N-(1-methylethyl)-Acetamide (CAS No. 54041–17–7) (provided for in subheading 2924.29.71)	5.2%	No change	No change	On or before 12/31/2005	”.

SEC. 1329. MAGENTA 364 LIQUID FEED.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.39	Magenta 364 Liquid Feed, 5-[4-(4,5- dimethyl-2- sulfo- phenylamino)-6- hydroxy-[1,3,5-] triazin-2-yl amino]-4- hydroxy-3- (1-sulfo- naphthalen-2-ylazo)- naphthalene-2,7- disulphonic acid, sodium/ammonium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1330. TETRAKIS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.40	Tetrakis ((2,4-di-tert-butylphenyl)4,4-biphenylenediphosphonite) (CAS No. 38613–77–3) (provided for in subheading 2835.29.50)	Free	Free	No change	On or before 12/31/2005	”.

SEC. 1331. PALMITIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.41	Palmitic acid, 90% (CAS No. 57–10–3) (provided for in subheading 2915.70.00)	Free	Free	No change	On or before 12/31/2005	”.

SEC. 1332. PHYTOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.03.42	3,7,11,15-Tetramethylhexadec-2-en-1-ol (CAS No. 7541–49–3) (provided for in subheading 2905.22.50)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1333. CHLORIDAZON.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.43	5-amino-4 chloro-2 phenyl-3(2H)-pyridazinone (CAS No. 1698–60–8) (provided for in subheading 3808.30.15)	Free	Free	No change	On or before 12/31/2005	".

SEC. 1334. DISPERSE ORANGE 30, DISPERSE BLUE 79:1, DISPERSE RED 167:1, DISPERSE YELLOW 64, DISPERSE RED 60, DISPERSE BLUE 60, DISPERSE BLUE 77, DISPERSE YELLOW 42, DISPERSE RED 86, AND DISPERSE RED 86:1.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.45	Propanenitrile, 3-[[2-(acetyloxy)- ethyl][4-[(2,6-dichloro -4-nitro- phenyl)azo]-phenyl]amino]- (Disperse Orange 30) (CAS No. 5261–31–4) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	
"	9902.03.46	Acetamide, N-[5-[bis[2-(acetyloxy)ethyl]amino]-2-[(2-bromo-4,6-dinitrophenyl)- azo]-4-methoxyphenyl]- (Disperse Blue 79:1) (CAS No. 3618–72–2) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	
"	9902.03.47	Acetamide, N-[5-[bis[2-(acetyloxy)-ethyl]amino]-2-[(2-chloro-4-nitrophenyl)azo]phenyl]- (Disperse Red 167:1) (CAS No. 1533–78–4) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	
"	9902.03.48	1H-Indene-1,3(2H)-dione, 2-(4-bromo-3-hydroxy-2-quinolinyl)- (Disperse Yellow 64) (CAS No. 10319–14–9) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	
"	9902.03.49	9,10-Anthra- cenedione, 1-amino-4-hydroxy-2-phenoxy- (Disperse Red 60) (CAS No. 17418–58–5) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	
"	9902.03.50	1H-Naphth[2,3-f]isoindole-1,3,5,10(2H)-tetrone, 4,11-diamino-2-(3-methoxypropyl)- (Disperse Blue 60) (CAS No. 12217–80–0) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	
"	9902.03.51	9,10-Anthracenedione, 1,8-dihydroxy- 4-nitro-5-(phenylamino)- (Disperse Blue 77) (CAS No. 20241–76–3) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	
"	9902.03.52	Benzenesulfonamide, 3-nitro-N-phenyl-4-(phenylamino)- (Disperse Yellow 42) (CAS No. 5124–25–4) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	
"	9902.03.53	Benzenesulfonamide, N-(4-amino-9,10-dihydro-3-methoxy-9,10-dioxo-1-anthracenyl)-4-methyl- (Disperse Red 86) (CAS No. 81–68–5) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	
"	9902.03.54	Benzenesulfonamide, N-(4-amino-9,10-dihydro-3-methoxy-9,10-dioxo-1-anthracenyl) (Disperse Red 86:1) (CAS No. 69563–51–5) (provided for in subheading 3204.11.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1335. DISPERSE BLUE 321.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.55	1-Naphthalenamine, 4-[(2- bromo-4,6-dinitrophenyl) azo]-N-(3-meth- oxypropyl)-(Disperse Blue 321) (CAS No. 70660–55–8) (provided for in subheading 3204.11.35)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1336. DIRECT BLACK 175.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.56	Cuprate(4-), [m-[5-[(4,5- dihydro-3- methyl-5-oxo- 1-phenyl- 1H-pyrazol- 4-yl)azo]- 3-[[4'-[[3,6- disulfo-2- (hydroxy-kO)-1-naphthal- enyl]azo- kN1]-3,3'-di(hydr- oxy-kO) [1,1'- biphenyl]- 4-yl]azo- kN1]-4-(hydroxy- kO)-2,7-naphtha- lenedisulf-onato(8-)]]di-, tetrasodium (Direct Black 175) (CAS No. 66256–76–6) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1337. DISPERSE RED 73 AND DISPERSE BLUE 56.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.03.57	Benzonitrile, 2-[[4-[(2-cyanoethyl)- ethylamino]-phenyl]azo]-5-nitro- (Disperse Red 73) (CAS No. 16889–10–4) (provided for in subheading 3204.11.10)	Free	No change	No change	On or before 12/31/2005	".
"	9902.03.58	9,10-Anthra- cenedione, 1,5-diaminochloro-4,8-dihydroxy-(Disperse Blue 56) (CAS No. 12217–79–7) (provided for in subheading 3204.11.10)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1338. ACID BLACK 132 AND ACID BLACK 172.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.03.59	[3-(hydroxy- kO)-4- [[2-(hydroxy- kO)-1- naphthal- enyl]azo-kN1]-1-naphthal- enesulf- onato(3-)][1-[[2- (hydroxy-kO)- 5-[(2-methoxy- phenyl)- azo]phenyl]- azo-kN1]-2-naphthal-enolato(2-)-kO]-, disodium (Acid Black 132) (CAS No. 27425–58–7) (provided for in subheading 3204.12.20)	Free	No change	No change	On or before 12/31/2005	".
"	9902.03.60	Chromate(3-), bis[3-(hydroxy-k0)-4-[[2-(hydroxy-k0)-1-naphthal- enyl]azo- kN1]-7-nitro-1-naphthal- enesulf-onato(3-)]-,tri- sodium (Acid Black 172) (CAS No. 57693–14–8) (provided for in subheading 3204.12.20)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1339. ACID BLACK 107.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.61	Chromate(2-), [1-[[2- (hydroxy-kO)-3,5- dinitro- phenyl]azo-kN1]-2-naphthal- enolato(2-)- kO][3-(hydroxy- kO)-4-[[2-(hydroxy-kO)- 1-naphthal- enyl]azo- kN1]-7- nitro-1-naphthal- enesulf- onato(3-)]-, sodium hydrogen (Acid Black 107) (CAS No. 93606–20–3) (provided for in subheading 3204.12.45)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1340. ACID YELLOW 219, ACID ORANGE 152, ACID RED 278, ACID ORANGE 116, ACID ORANGE 156, AND ACID BLUE 113.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.62	Benzenesulfonic acid, 3-[[3-methoxy-4-[(4-methoxyphenyl) azo]phenyl]azo]-, sodium salt (Acid Yellow 219) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2005	".
"	9902.03.63	Benzenesulfonic acid, 3-[[4-[[4-(2-hydroxy- butoxy)phenyl] azo]-5-methoxy-2-methyl- phenyl]azo]-, monolithium salt (Acid Orange 152) (CAS No. 61290–31–1) (provided for in sub-heading 3204.12.50)	Free	No change	No change	On or before 12/31/2005	".
"	9902.03.64	Chromate(1-), bis[3-[4-[[5-chloro-2-(hydroxy-kO)-phenyl]azo-kN1]-4,5-dihydro-3-methyl-5-(oxo-kO)-1H-pyrazol- 1-yl]benzenesul- fonamidato(2-)]-, sodium (Acid Red 278) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2005	".
"	9902.03.65	Benzenesulfonic acid, 3-[[4- [(2-ethoxy- 5-methylphenyl) azo]-1-naphthal- enyl]azo]-, sodium salt (Acid Orange 116) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2005	".
"	9902.03.66	Benzenesulfonic acid, 4-[[5-meth- oxy-4- [(4-methoxy-phenyl)azo]- 2-methyl- phenyl]azo]-, sodium salt (Acid Orange 156) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2005	".
"	9902.03.67	1-Naphthalene- sulfonic acid, 8-(phenylamino) -5-[[4-[(3-sulfophenyl)- azo]-1- naphthale- nyl]azo]-, disodium salt (Acid Blue 113) (provided for in subheading 3204.12.50)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1341. LUGANIL BROWN NGT POWDER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.76	Luganil Brown NGT Powder (provided for in subheading 3204.12.20)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1342. THIOPHANATE-METHYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.77	4,4'-o-Phenylenebis (3-thioallophanic acid), dimethyl ester (Thiophanate-methyl) (CAS No. 23564–05–8), formulated with application adjuvants (provided for in subheading 3808.20.15)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1343. HYDRATED HYDROXYPROPYL METHYLCELLULOSE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.80	Hydrated Hydroxypropyl Methylcellulose; Cellulose, 2-hydroxypropyl methyl ether; Cellulose; Hydroxypropyl methyl ether (CAS No. 9004–65–3)(provided for in sub-heading 3912.39.00)	0.4%	No change	No change	On or before 12/31/2005	".

SEC. 1344. POLYMETHYLPENTENE (TPX).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.86	Polymethylpentene (TPX) (CAS No. 68413–03–6) (provided for in subheading 3902.90.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1345. CERTAIN 12-VOLT BATTERIES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.87	12V lead-acid storage batteries, of a kind used for the auxiliary source of power for burglar or fire alarms and similar apparatus of subheading 8531.10.00 (provided for in subheading 8507.20.80)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1346. CERTAIN TEXTILE MACHINERY.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.88	Weaving machines (looms), shuttleless type, for weaving fabrics of a width exceeding 30 cm but not exceeding 4.9 m, entered without off-loom or large loom take-ups, drop wires, heddles, reeds, harness frames, or beams (provided for in subheading 8446.30.50)	2.7%	No change	No change	On or before 12/31/2005	".

SEC. 1347. CERTAIN PREPARED OR PRESERVED ARTICHOKES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.89	Artichokes, prepared or preserved otherwise than by vinegar or acetic acid, not frozen (provided for in subheading 2005.90.80)	13.8%	No change	No change	On or before 12/31/2005	".

SEC. 1348. CERTAIN OTHER PREPARED OR PRESERVED ARTICHOKES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.90	Artichokes, prepared or preserved by vinegar or acetic acid (provided for in subheading 2001.90.25)	7.3%	No change	No change	On or before 12/31/2005	".

SEC. 1349. ETHYLENE/TETRAFLUOROETHYLENE COPOLYMER (ETFE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.91	Ethylene/tetra- fluoroethylene copolymer (ETFE) (provided for in subheading 3904.69.50)	4.9%	No change	No change	On or before 12/31/2005	".

SEC. 1350. ACETAMIPRID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.92	N1-[(6-chloro-3-pyridyl) methyl]-N2-cyano-N1-methylacetamidine (CAS No. 135410–20–7) (provided for in subheading 2933.39.27)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1351. CERTAIN MANUFACTURING EQUIPMENT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.84.94	Extruders, screw type, suitable for processing polyester thermoplastics in a cast film production line (provided for in subheading 8477.20.00)	Free	No change	No change	On or before 12/31/2005	
	9902.84.95	Casting machinery suitable for processing polyester thermoplastics into a sheet in a cast film production line (provided for in subheading 8477.80.00)	Free	No change	No change	On or before 12/31/2005	
	9902.84.96	Transverse direction orientation tenter machinery, suitable for processing polyester film in a cast film production line (provided for in subheading 8477.80.00)	Free	No change	No change	On or before 12/31/2005	
	9902.84.97	Winder machinery suitable for processing polyester film in a cast film production line (provided for in subheading 8477.80.00)	Free	No change	No change	On or before 12/31/2005	
	9902.84.98	Slitting machinery suitable for processing polyester film in a cast film production line (provided for in subheading 8477.80.00)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1352. TRITICONAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.03.99	E-5-(4-chlorobenzylidene)-2,2-dimethyl-1-(1 H-1,2,4-triazol-1=1-ylmethyl)cyclopentanol. (CAS No.131983–72–7) (provided for in subheading 2934.99.18)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1353. 3-SULFINOBENZOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.01	3-Sulfinobenzoic acid (CAS No. 15451–00–0) (provided for in subheading 2916.31.1590)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1354. POLYDIMETHYLSILOXANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.02	Polydimethylsiloxane (CAS No. 63148–62–9) (provided for in subheading 3910.00.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1355. BAYSILONE FLUID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.03	An alkyl modified polydimethylsiloxane (CAS No. 102782–93–4) (provided for in subheading 3910.00.00)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1356. ETHANEDIAMIDE, N- (2-ETHOXYPHENYL)-N′- (4-ISODECYLPHENYL)-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.05	Ethanediamide, N- (2-ethoxyphenyl)-N′- (4-isodecylphenyl)- (CAS No. 82493–14–9) (provided for in subheading 3812.30.60)	Free	Free	No change	On or before 12/31/2005	”.

SEC. 1357. 1-ACETYL-4-(3-DODECYL-2, 5-DIOXO-1-PYRROLIDINYL)-2,2,6,6-TETRAMETHYL-PIPERIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.06	1-Acetyl-4-(3-dodecyl-2, 5-dioxo-1-pyrrolidinyl)-2,2,6,6-tetramethyl-piperidine (CAS No.106917–31–1) (provided for in subheading 2933.39.61)	Free	Free	No change	On or before 12/31/2005	”.

SEC. 1358. ARYL PHOSPHONITE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.07	Aryl phosphonite (CAS No. 119345–01–6) (provided for in subheading 2931.00.10)	Free	Free	No change	On or before 12/31/2005	”.

SEC. 1359. MONO OCTYL MALIONATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.08	Mono octyl malionate (CAS No. 7423–42–9) (provided for in subheading 2917.19.20)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1360. 3,6,9-TRIOXAUNDECANEDIOIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.09	3,6,9-Trioxaundecanedioic acid (CAS No. 13887–98–4) (provided for in subheading 2918.90.50)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1361. CROTONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.10	Crotonic acid (CAS No. 107–93–7) (provided for in subheading 2916.19.30)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1362. 1,3-BENZENEDICARBOXAMIDE, N, N′-BIS (2,2,6,6-TETRAMETHYL-4-PIPERIDINYL)-.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.11	1,3-Benzenedicarboxamide, N, N′-bis (2,2,6,6-tetramethyl-4-piperidinyl)- (CAS No. 42774–15–2) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1363. 3-DODECYL-1-(2,2,6,6-TETRAMETHYL-4-PIPERIDINYL)-2,5-PYRROLIDINEDIONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.12	3-Dodecyl-1-(2,2,6,6-tetramethyl-4-piperidinyl)-2,5-pyrrolidinedione (CAS No. 79720–19–7) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1364. OXALIC ANILIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.13	Ethanediamide, N-(2-ethoxyphenyl-N′-(2-ethoxyphenyl)- (CAS No. 23949–66–8) (provided for in subheading 2924.29.76)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1365. N-METHYL DIISOPROPANOLAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.04.14	1,1′-(Methylimino) dipropan-2-ol (CAS No. 4402–30–6) (provided for in subheading 2922.19.95)	Free	No change	No change	On or before 12/31/2005	”.

SEC. 1366. 50 PERCENT HOMOPOLYMER, 3-(DIMETHYLAMINO) PROPYL AMIDE, DIMETHYL SULFATE-QUATERNIZED 50 PERCENT POLYRICINOLEIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.04.15	50 Percent homopolymer, 3-(dimethylamino) propyl amide, dimethyl sulfate-quaternized 50 percent polyricinoleic acid (provided for in subheading 3824.90.40.90)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1367. BLACK CPW STAGE, 2,7-NAPHTHALENE DISULFONIC ACID, 4-AMINO-3-[[4-[[-4-[(2 OR 4 –AMINO-4 OR 2-HYDROXYPHENYL)AZO] PHENYL]AMINO]-3-SULFOPHENYL]AZO]-5-HYDROXY-6-(PHENYLAZO)-TRISODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.04.16	Black CPW stage, 2,7-naphthalene disulfonic acid, 4-amino-3-[[4-[[-4-[(2 or 4-amino-4 or 2-hydroxyphenyl)azo] phenyl]amino]-3- sulfophenyl]azo]-5-hydroxy-6-(phenylazo)-trisodium salt (CAS No. 85631–88–5) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1368. FAST BLACK 287 NA PASTE, 1,3-BENZENEDICARBOXYLIC ACID, 5-[[4-[(7-AMINO-1-HYDROXY-3-SULFO-2-NAPHTHALENYL)AZO]-1-NAPHTHALENYL]AZO]-, TRISODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.04.17	Fast black 287 NA paste, 1,3-benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo]-1-naphthalenyl]azo]-, trisodium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1369. FAST BLACK 287 NA LIQUID FEED, 1,3-BENZENEDICARBOXYLIC ACID, 5-[[4-[(7-AMINO-1-HYDROXY-3-SULFO-2-NAPHTHALENYL)AZO]-1-NAPHTHALENYL]AZO]-, TRISODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.04.18	Fast black 287 NA liquid feed, 1,3-benzenedicarboxylic acid, 5-[[4-[(7-amino-1-hydroxy-3-sulfo-2-naphthalenyl)azo]-1-naphthalenyl]azo]-, trisodium salt (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1370. FAST YELLOW 2 STAGE, 1,3-BENZENEDICARBOXYLIC ACID, 5,5′-[[6-(4-MORPHOLINYL)-1,3,5-TRIAZINE-2,4-DIYL]BIS(IMINO-4,1-PHENYLENEAZO)]BIS-, AMMONIUM/SODIUM/HYDROGEN SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.04.19	Fast yellow 2 stage, 1,3-benzenedicarboxylic acid, 5,5′-[[6-(4-morpholinyl)-1,3,5-triazine-2,4-diyl]bis(imino-4,1-phenyleneazo)]bis-, ammonium/sodium/hydrogen salt (provided for in subheading 3215.19.00.60)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1371. CYAN 1 STAGE, COPPER, [29H,31H- PHTHALOCYANINATO(2-)-N29,N30,N31,N32]-, AMINOSULFONYL SULFO DERIVATIVES. TETRA METHYL AMMONIUM SALTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.04.21	Cyan 1 stage, copper, [29H,31H- phthalocyaninato(2-)-N29,N30,N31,N32]-, aminosulfonyl sulfo derivatives. Tetra methyl ammonium salts (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1372. YELLOW 1 STAGE, 1,5-NAPHTHALENEDISULFONIC ACID, 3,3′-[[6-[(2-HYDROXYETHYL)AMINO]-1,3,5-TRIAZINE-2,4-DIYL]BIS[IMINO(2-METHYL-4,1-PHENYLENE)AZO]]BIS-, TETRASODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.04.24	Yellow 1 stage, 1,5-naphthalenedisulfonic acid, 3,3′-[[6-[(2-hydroxyethyl)amino]-1,3,5-triazine-2,4-diyl]bis[imino(2-methyl-4,1-phenylene)azo]]bis-, tetrasodium salt (CAS No. 50925–42–3 (confidential TSCA listing)) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1373. YELLOW 746 STAGE, 1,3-BIPYRIDIRIUM, 3-CARBOXY-5′-[(2-CARBOXY-4-SULFOPHENYL)AZO]-1′,2′, DIHYDRO-6′-HYDROXY-4′-METHYL-2′-OXO-, INNER SALT, LITHIUM/SODIUM SALT.

Subchapter II of chapter 99 of is amended by inserting in numerical sequence the following new heading:

‘‘	9902.04.26	Yellow 746 stage, 1,3-bipyridirium, 3-carboxy-5′-[(2-carboxy-4-sulfophenyl)azo]-1′,2′, dihydro-6′-hydroxy-4′-methyl-2′-oxo-, inner salt, lithium/sodium salt (CAS No. not available) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1374. BLACK SCR STAGE, 2,7-NAPHTHALENE DISULFONIC ACID, 4-AMINO-3-[[4-[[-4-[(2 OR 4-AMINO-4 OR 2-HYDROXYPHENYL)AZO] PHENYL]AMINO]-3-SULFOPHENYL] AZO]-5-HYDROXY-6-(PHENYLAZO) - TRISODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.27	Black SCR stage, 2,7-naphthalene disulfonic acid, 4-amino-3-[[4-[[-4-[(2 or 4-amino-4 or 2-hydroxyphenyl)-azo] phenyl]amino]-3-sulfophenyl] azo]-5-hydroxy-6-(phenylazo)-trisodium salt (CAS No. 85631–88–5) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1375. MAGENTA 3B-OA STAGE, 2-[[4-CHLORO-6[[8-HYDROXY-3,6-DISULPHONATE-7-[(1-SULPHO-2-NAPHTHALENYL) AZO]-1-NAPHTHALENYL] AMINO]-1,3,5-TRIAZIN-2-YL]AMINO]-5-SULPHOBENZOIC ACID, SODIUM/LITHIUM SALTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.28	Magenta 3B-OA stage, 2-[[4-chloro-6[[8-hydroxy-3,6-disulphonate-7-[(1-sulpho-2-naphthalenyl) azo]-1-naphthalenyl] amino]-1,3,5-triazin-2-yl]amino]-5-sulphobenzoic acid, sodium/lithium salts (CAS No. 12237–00–2) (provided for in subheading 3204.16.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1376. YELLOW 577 STAGE, 5-{4-[4-[4-(4,8-DISULFONAPHTHALEN-2-YLAZO)-PHENYLAMINO]-6-(2-SULFOETHYLAMINO)-[1,3,5]TRIAZIN-2-YLAMINO]PHENYLAZO}ISOPHTHALIC ACID/SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.29	Yellow 577 stage, 5-{4-[4-[4-(4,8-disulfonaphthalen-2-ylazo)-phenylamino]-6-(2-sulfoethylamino)-[1,3,5]triazin-2-ylamino] phenylazo}-isophthalic acid/sodium salt (CAS No. not available) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1377. CYAN 485/4 STAGE, COPPER, [29H,31H-PHTHALOCYANINATO (2-)- xN29,xN30,xN31,xN32]-AMINOSYLFONYL [(2-HYDROXYETHYL)AMINO] SULFONYL SULFO DERIVATIVES, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.30	Cyan 485/4 stage, copper, [29H,31H-phthalocyaninato (2-)-xN29,xN30, xN31,xN32] -aminosylfonyl [(2-hydroxy-ethyl)amino] sulfonyl sulfo derivatives, sodium salt (CAS No. not available) (provided for in subheading 3204.14.30)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1378. LOW EXPANSION LABORATORY GLASS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.32	Laboratory, hygienic, or pharmaceutical glassware, whether or not graduated or calibrated, having a low expansion borosilicate glass or alumino-borosilicate glass having a linear coefficient of expansion not exceeding 3.3 x 10^{-7} per Kelvin within a temperature range of 0 to 300°C (provided for in subheading 7017.20.00).	Free	No change	No change	On or before 12/31/2005	".

SEC. 1379. STOPPERS, LIDS, AND OTHER CLOSURES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.04.33	Stoppers, lids, and other closures that are made of a low expansion borosilicate glass or alumino-borosilicate glass having a linear coefficient of expansion not exceeding 3.3 x 10^{-7} per Kelvin within a temperature range of 0 to 300°C, produced by automatic machine (provided for in subheading 7010.20.20) or produced by hand (provided for in subheading 7010.20.30).	Free	No change	No change	On or before 12/31/2005	".

SEC. 1380. TRIFLUSULFURON METHYL FORMULATED PRODUCT.

(a) CALENDAR YEARS 2003 AND 2004.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.01	Mixtures of methyl 2-[[[[[4-(dimethylamino) -6-(2,2,2-trifluoroethoxy) -1,3,5-triazin-2-yl] -amino]carbonyl] amino]sulfonyl]-3-methylbenzoate (CAS No. 126535–15–7) and application adjuvants (provided for in subheading 3808.10.15)	1%	No change	No change	On or before 12/31/2004	".

(b) CALENDAR YEAR 2005.—

(1) IN GENERAL.—Heading 9902.05.01, as added by subsection (a), is amended—

(A) by striking "1%" and inserting "Free"; and

(B) by striking "On or before 12/31/2004" and inserting "On or before 12/31/2005".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2005.

SEC. 1381. AGRUMEX (O-T-BUTYL CYCLOHEXANOL).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.05.02	Agrumex (o-t-Butyl cyclohexanol) (CAS Nos. 20298–69–5 and 88–41–5) (provided for in subheading 2915.39.45)	Free	No change	No change	On or before 12/31/2005	".

SEC. 1382. TRIMETHYL CYCLO HEXANOL (1-METHYL-3,3-DIMETHYLCYCLOHEXANOL-5).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.05.03	Trimethyl Cyclo Hexanol (1-Methyl-3,3-dimethylcyclohexanol-5) (CAS No. 116–02–9) (provided for in subheading 2906.19.50)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1383. MYCLOBUTANIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.91	a-butyl-a-(4-chloropenyl)-1H-1,2,4-triazole-1-propanenitrile (CAS No. 88671–89–0) (provided for in subheading 2933.99.06)	1.9%	No change	No change	On or before 12/31/2005	’’.

SEC. 1384. METHYL CINNAMATE (METHYL-3-PHENYLPROPENOATE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.05.04	Methyl Cinnamate (methyl-3-phenylpropenoate) (CAS No. 103–26–4) (provided for in subheading 2916.39.20)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1385. ACETANISOLE (ANISYL METHYL KETONE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.05.05	Acetanisole (Anisyl Methyl Ketone) (CAS No. 100–06–1) (provided for in subheading 2914.50.30)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1386. ALKYLKETONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.02.53	1-(4-chlorophenyl)-4, 4-dimethyl-3-petanone (CAS No. 66346–01–8) (provided for in subheading 2914.70.40)	3.5%	No change	No change	On or before 12/31/2005	’’.

SEC. 1387. IPRODIONE 3-(3-5, DICHOLOROPHENYL)-N-(1-METHYLETHYL)-2,4-DIOXO-1-IMIDAZOLIDINECARBOXAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.01.51	Iprodione 3-(3-5, dicholorophenyl)-N-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide (CAS No. 36734–19–7) (provided for in subheading 2933.21.00)	4.1%	No change	No change	On or before 12/31/2005	’’.

SEC. 1388. DICHLOROBENZIDINE DIHYDROCHLORIDE.

(a) CALENDAR YEAR 2003.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.28	3,3′-Dichlorobenzidine Dihydrochloride (CAS No. 612–83–9) (provided for in subheading 2921.59.80)	6.3% + 0.2 cents/kg	No change	No change	On or before 12/31/2003	’’.

(b) CALENDAR YEARS 2004 AND 2005.—

(1) IN GENERAL.—Heading 9902.03.28, as added by subsection (a), is amended—

(A) by striking ‘‘6.3% + 0.2 cents/kg’’ and inserting ‘‘5.1%’’; and

(B) by striking ‘‘On or before 12/31/2003’’ and inserting ‘‘On or before 12/31/2005’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2004.

SEC. 1389. KRESOXIM-METHYL.

(a) CALENDAR YEAR 2003.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.03.78	methyl (E)- methoxyimino [alpha-(o- tolyloxy)- o-tolyl] acetate, Kresoxim methyl (CAS No. 143390–89–0) (provided for in subheading 2925.20.60)	3.3%	No change	Free	On or before 12/31/2003	’’.

(b) CALENDAR YEARS 2004 AND 2005.—

(1) IN GENERAL.—Heading 9902.03.78, as added by subsection (a), is amended—

(A) by striking ‘‘3.3%’’ and inserting ‘‘2.4%’’; and

(B) by striking ‘‘On or before 12/31/2003’’ and inserting ‘‘On or before 12/31/2005’’.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2004.

SEC. 1390. MKH 6562 ISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.05.06	2-(Trifluoromethoxy) benzenesulfonyl isocyanate (CAS No. 99722–81–3) (provided for in subheading 2930.90.29)	0.7%	No change	No change	On or before 12/31/2005	’’.

SEC. 1391. CERTAIN RAYON FILAMENT YARN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.05.07	High tenacity single yarn of viscose rayon (provided for in subheading 5403.10.30) with a decitex equal to or greater than 1,000	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1392. BENZENEPROPANAL, 4-(1,1-DIMETHYLETHYL)-ALPHA-METHYL.

(a) CALENDAR YEAR 2003.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.05.08	Benzenepropanal, 4-(1,1-Dimethylethyl)-Alpha-Methyl (CAS No. 80–54–6) (provided for in subheading 2912.29.60)	2.3%	No change	Free	On or before 12/31/2003	’’.

(b) CALENDAR YEARS 2004 AND 2005.—
(1) IN GENERAL.—Heading 9902.05.08, as added by subsection (a), is amended—
(A) by striking ‘‘2.3%’’ and inserting ‘‘1.7%’’; and
(B) by striking ‘‘On or before 12/31/2003’’ and inserting ‘‘On or before 12/31/2005’’.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2004.

SEC. 1393. 3,7-DICHLORO-8-QUINOLINE CARBOXYLIC ACID.

(a) CALENDAR YEAR 2003.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.05.09	3,7-dichloro-8-quinoline carboxylic acid (CAS No. 84087–01–4) (provided for in subheading 2933.40.30)	3.9%	No change	Free	On or before 12/31/2003	’’.

(b) CALENDAR YEARS 2004 AND 2005.—
(1) IN GENERAL.—Heading 9902.05.09, as added by subsection (a), is amended—
(A) by striking ‘‘3.9%’’ and inserting ‘‘3.3%’’; and
(B) by striking ‘‘On or before 12/31/2003’’ and inserting ‘‘On or before 12/31/2005’’.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2004.

SEC. 1394. 3-(1-METHYLETHYL)-1H-2,1,3-BENZOTHIADIAZIN-4(3H)-ONE 2,2 DIOXIDE, SODIUM SALT.

(a) CALENDAR YEAR 2003.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.05.10	3-(1-methylethyl)-1H-2,1,3-benzothiadiazin-4(3H)-one 2,2 dioxide (Bentezon, sodium salt) (CAS No. 50723–80–3) (provided for in subheading 2934.99.15)	1.8%	No change	Free	On or before 12/31/2003	’’.

(b) CALENDAR YEARS 2004 AND 2005.—
(1) IN GENERAL.—Heading 9902.05.10, as added by subsection (a), is amended—
(A) by striking ‘‘1.8%’’ and inserting ‘‘2.6%’’; and
(B) by striking ‘‘On or before 12/31/2003’’ and inserting ‘‘On or before 12/31/2005’’.
(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 1, 2004.

SEC. 1395. 3,3′,4-4′-BIPHENYLTETRACARBOXYLIC DIANHYDRIDE, ODA, ODPA, PMDA, AND 1,3-BIS(4-AMINOPHENOXY)BENZENE

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

‘‘	9902.05.11	3,3′,4-4′-Biphenyltetracarboxylic Dianhydride (provided for in subheading 2917.39.30)	Free	No change	No change	On or before 12/31/2005	
‘‘	9902.05.12	4,4-Oxydianiline (ODA) (provided for in subheading 2922.29.80)	1.5%	No change	No change	On or before 12/31/2005	
‘‘	9902.05.13	4,4′-Oxydiphthalic Anhydride (ODPA) (provided for in subheading 2917.39.30)	Free	No change	No change	On or before 12/31/2005	
‘‘	9902.05.14	Pyromellitic Dianhydride (PMDA) (provided for in subheading 2917.39.30)	Free	No change	No change	On or before 12/31/2005	
‘‘	9902.05.15	1,3-bis(4-Aminophenoxy)benzene (provided for in subheading 2922.29.29)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1396. ORYZALIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.05.16	Benzenesulfonamide, 4-(dipropylamino)-3,5-dinitro (CAS No. 19044–88–3) (provided for in subheading 2935.00.95)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1397. TEBUFENOZIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.05.17	N-tert-Butyl-N′-(4-ethylbenzoyl)-3,5-Dimethylbenzoylhydrazide (Tebufenozide) (CAS No. 112410–23–8) (provided for in subheading 2928.00.25)	Free	No change	No change	On or before 12/31/2005	’’.

SEC. 1398. ENDOSULFAN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.05.18	Hexachlorohexahydromethano-2,4,3-benzodioxathlepin-3-oxide (CAS No. 115–29–7) (provided for in subheadings 2904.90.50 and 3808.30.15)	Free	Free	No change	On or before 12/31/2005	’’.

SEC. 1399. ETHOFUMESATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.05.19	2-Ethoxy-2, 3-dihydro-3, 3-di-methyl-5-benzofuranyl-methanesulfonate (ethofumesate) singularly or in mixture with application adjuvants (CAS No. 26225–79–6) (provided for in subheading 2932.99.08 or 3808.30.15)	Free	Free	No change	On or before 12/31/2005	’’.

SEC. 1400. 4,4’-O-PHENYLENEBIS(3-THIOALLOPHANIC ACID), DIMETHYL ESTER (THIOPHANATE-METHYL) FORMULATED WITH APPLICATION ADJUVANTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.05.20	4,4’-o-Phenylenebis(3-thioallophanic acid), dimethyl ester (Thiophanate-methyl) formulated with application adjuvants (CAS No. 23564–05–8), formulated with application adjuvants (provided for in subheading 3808.20.15)	Free	Free	No change	On or before 12/31/2005	’’.

SEC. 1401. NIGHT VISION MONOCULARS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

‘‘	9902.05.21	Hand-held night vision monoculars, other than those containing a micro-channel plate to amplify electrons or having a photocathode containing gallium arsenide (provided for in subheading 9005.80.60)	Free	Free	No change	On or before 12/31/2005	’’.

SEC. 1402. CERTAIN AUTOMOTIVE SENSOR MAGNETS.

Subchapter II of chapter 99 is amended by inserting in –3–numerical sequence the following new heading:

‘‘	9902.03.31	Sensor magnets of sintered neodymium or other metal, cylindrical or partially cylindrical in shape, not to exceed 15.25 mm in diameter and 25.4 mm in length, the foregoing with or without metal mounting lug; magnets of sintered aluminum-nickel-cobalt metal, either rectangular or cylindrical in shape, the foregoing not over 12.7 mm in diameter, height or width and not over 25.4 mm in length; rectangular magnets of sintered neodymium or of sintered samarium-cobalt metal, measuring not over 10.2 mm in any dimension (provided for in subheading 8505.11.00)	Free	No change	No change	On or before 12/31/2005	’’.

CHAPTER 2—EXISTING DUTY SUSPENSIONS AND REDUCTIONS

SEC. 1451. EXTENSION OF CERTAIN EXISTING DUTY SUSPENSIONS.

(a) EXISTING DUTY SUSPENSIONS.—Each of the following headings is amended by striking out the date in the effective period column and inserting ‘‘12/31/2005’’:

(1) Heading 9902.30.90 (relating to 3-amino-2′-(sulfato-ethyl sulfonyl) ethyl benzamide).

(2) Heading 9902.32.91 (relating to MUB 738 INT).

(3) Heading 9902.30.31 (relating to 5-amino-N-(2-hydroxyethyl)-2,3-xylenesulfonamide).

(4) Heading 9902.29.46 (relating to 2-amino-5-nitrothiazole).

(5) Heading 9902.32.14 (relating to 2Methyl-4,6-bis[(octylthio) methyl]phenol).

(6) Heading 9902.32.30 (relating to 4-[[4,6-bis(octylthio)-1,3,5-triazin-2-yl]amino]-2,6-bis(1,1-dimethylethyl)phenol).

(7) Heading 9902.32.16 (relating to calcium bis[monoethyl(3,5-di-tert-butyl-4-hydroxybenzyl) phosphonate]).

(8) Heading 9902.38.69 (relating to nicosulfuron formulated product (‘‘Accent’’)).

(9) Heading 9902.33.63 (relating to DPX–E9260).

(10) Heading 9902.33.59 (relating to DPX–E6758).

(11) Heading 9902.33.61 (relating to carbamic acid (U-9069)).

(12) Heading 9902.29.35 (relating to 1N–N5297).

(13) Heading 9902.28.19 (relating to an ultraviolet dye).

(14) Heading 9902.32.07 (relating to certain organic pigments and dyes).

(15) Heading 9902.29.07 (relating to 4-hexylresorcinol).

(16) Heading 9902.29.37 (relating to certain sensitizing dyes).

(17) Heading 9902.85.42 (relating to certain cathode-ray tubes).

(18) Heading 9902.30.14 (relating to a fluorinated compound).

(19) Heading 9902.29.55 (relating to a certain light absorbing photo dye).

(20) Heading 9902.32.55 (relating to methyl thioglycolate).

(21) Heading 9902.29.62 (relating to chloro amino toluene).

(22) Headings 9902.28.08, 9902.28.09, and 9902.28.10 (relating to bromine-containing compounds).

(23) Heading 9902.32.62 (relating to filter blue green photo dye).

(24) Heading 9902.32.99 (relating to 5-[(3,5-dichlorophenyl)-thio]-4-(1-methylethyl-1)-(4-pyridin lmethyl)-1H-imidazole-2-methanol carbamate).

(25) Heading 9902.32.97 (relating to (2E,4S)-4-(((2R,5S)-2-((4-fluorophenyl)-methyl)-6-methyl-5-((5-methyl-3-isoxazolyl)-carbonyl y)amino)-1,4-dioxoheptyl)-amino)-5-((3S)-2-oxo-3-pyrrolidinyl)-2-pentenoic acid, ethyl ester).

(26) Heading 9902.29.87 (relating to Baytron M).

(27) Heading 9902.39.15 (relating to Baytron P).

(28) Heading 9902.39.30 (relating to certain ion-exchange resins).

(29) Heading 9902.28.01 (relating to thionyl chloride).

(30) Heading 9902.32.12 (relating to DEMT).

(31) Heading 9902.29.03 (relating to PHBA (p-hydroxybenzoic acid)).

(32) Headings 9902.29.83 and 9902.38.10 (relating to iminodisuccinate).

(33) Heading 9902.38.14 (relating to mesamoll).

(34) Heading 9902.38.15 (relating to Baytron C-R).

(35) Heading 9902.29.25 (relating to ortho-phenylphenol (OPP)).

(36) Heading 9902.38.31 (relating to Vulkalent E/C).

(37) Heading 9902.31.14 (relating to desmedipham).

(38) Heading 9902.31.13 (relating to phenmedipham).

(39) Heading 9902.30.16 (relating to diclofop methyl).

(40) Heading 9902.33.40 (relating to R115777).

(41) Heading 9902.29.10 (relating to imazalil).

(42) Heading 9902.29.22 (relating to Norbloc 7966).

(43) Heading 9902.38.09 (relating to Fungaflor 500 EC).

(44) Heading 9902.32.73 (relating to Solvent Blue 124).

(45) Heading 9902.29.73 (relating to 4-amino-2,5-dimethoxy-N-phenylbenzene sulfonamide).

(46) Heading 9902.32.72 (relating to Solvent Blue 104).

(47) Heading 9902.34.01 (relating to sodium petroleum sulfonate).

(48) Heading 9902.29.71 (relating to isobornyl acetate).

(49) Heading 9902.29.70 (relating to certain TAED chemicals).

(50) Heading 9902.29.58 (relating to diethyl phosphorochidothioate).

(51) Heading 9902.29.17 (relating to 2,6-dichloroaniline).

(52) Heading 9902.29.59 (relating to benfluralin).

(53) Heading 9902.29.26 (relating to 1,3-diethyl-2-imidazolidinone).

(54) Heading 9902.29.06 (relating to diphenyl sulfide).

(55) Heading 9902.32.93 (relating to methoxyfenozide).

(56) Heading 9902.32.89 (relating to triazamate).

(57) Heading 9902.29.80 (relating to propiconazole).

(58) Heading 9902.32.92 (relating to β-Bromo-β-nitrostyrene).

(59) Heading 9902.29.61 (relating to quinoline).

(60) Heading 9902.29.25 (relating to 2-phenylphenol).

(61) Heading 9902.29.08 (relating to 3-amino-5-mercapto-1,2,4-triazole).

(62) Heading 9902.29.16 (relating to 4,4-dimethoxy-2-butanone).

(63) Heading 9902.32.87 (relating to fenbuconazole).

(64) Heading 9902.32.90 (relating to diiodomethyl-*p*-tolylsulfone).

(65) Heading 9902.28.16 (relating to propiophenone).

(66) Heading 9902.28.17 (relating to meta-chlorobenzaldehyde).

(67) Heading 9902.28.15 (relating to 4-bromo-2-fluoroacetanilide).

(68) Heading 9902.32.82 (relating to 2,6, dichlorotoluene).

(69) Heading 9902.80.05 (relating to cobalt boron).

(70) Heading 9902.72.02 (relating to ferroboron).

(71) Heading 9902.32.85 (relating to 4,4′ difluorobenzophenone).

(72) Heading 9902.29.34 (relating to certain light absorbing photo dyes).

(73) Heading 9902.29.38 (relating to certain imaging chemicals).

(74) Heading 9902.38.18 (relating to 3,5-dibromo-4-hydoxybenzonitril).

(75) Heading 9902.29.64 (relating to cyclanilide technical).

(76) Heading 9902.29.98 (relating to fipronil technical).

(77) Heading 9902.38.04 (relating to 3,5-dibromo-4-hydoxybenzonitril ester and inerts).

(78) Heading 9902.29.23 (relating to P-nitro toluene-o-sulfonic acid).

(b) OTHER MODIFICATIONS.—

(1) CERTAIN CATHODE-RAY TUBES.—Heading 9902.85.41 is amended—

(A) by striking ''1%'' and inserting ''Free''; and

(B) in the effective period column, by striking the date contained therein and inserting ''12/31/2005''.

(2) ETHALFLURALIN.—Heading 9902.30.49 is amended—

(A) by striking ''3.5%'' and inserting ''Free''; and

(B) in the effective period column, by striking the date contained therein and inserting ''12/31/2005''.

(3) DMDS.—Heading 9902.33.92 is amended—

(A) by striking ''2933.59.80'' and inserting ''2933.59.95''; and

(B) in the effective period column, by striking the date contained therein and inserting ''12/31/2005''.

(4) CERTAIN POLYAMIDES.—Heading 9902.39.08 is amended—

(A) by striking ''forms of polyamide-6, polyamide-12, and polyamide-6,12 powders (CAS Nos. 25038–54–4, 25038–74–8, and 25191–04–1) (provided for in subheading 3908.10.00)'' and inserting ''ORGASOL® polyamide powders (provided for in subheading 3908.10.00 or 3908.90.70)''; and

(B) in the effective period column, by striking the date contained therein and inserting ''12/31/2005''.

(5) BUTRALIN.—Heading 9902.38.00 is amended by striking ''3808.31.15'' and inserting ''3808.30.15''.

(6) PRO-JET CYAN 1 RO FEED; PRO-JET FAST BLACK 287 NA PASTE/LIQUID FEED.—

(A) IN GENERAL.—Paragraph (2) in each of sections 1222(c) and 1223(c) of the Tariff Suspension and Trade Act of 2000 are amended by striking ''January 1, 2001'' and inserting ''January 1, 2002''.

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect as if such amendments had been enacted immediately after the enactment of the Tariff Suspension and Trade Act of 2000.

(7) 2-METHYL-4-CHLOROPHENOXYACETIC ACID.—Heading 9902.29.81 is amended—

(A) in the general rate of duty column, by striking ''2.6%'' and inserting ''1.8%''; and

(B) in the effective period column, by striking the date contained therein and inserting ''12/31/2005''.

(8) STARANE F.—Heading 9902.29.77 is amended—

(A) in the general rate of duty column, by striking ''Free'' and inserting ''1.5%''; and

(B) in the effective period column, by striking the date contained therein and inserting ''12/31/2005''.

(9) TRIFLURALIN.—Heading 9902.29.02 is amended—

(A) by striking ''3.3%'' and inserting ''Free''; and

(B) in the effective period column, by striking the date contained therein and inserting ''12/31/2005''.

(10) CERTAIN REDESIGNATIONS.—(A) The second heading 9902.29.02 (as added by section 1144 of the Tariff Suspension and Trade Act of 2000) is redesignated as heading 9902.05.30.

(B) The second heading 9902.39.07 (as added by section 1248 of the Tariff Suspension and Trade Act of 2000) is redesignated as heading 9902.05.31.

SEC. 1452. EFFECTIVE DATE.

Except as otherwise provided in this chapter, the amendments made by this chapter apply to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2003.

Subtitle B—Other Tariff Provisions

CHAPTER 1— LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES

SEC. 1501. CERTAIN TRAMWAY CARS.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the United States Customs Service within 180 days after the date of the enactment of this Act, the Customs Service shall liquidate or reliquidate the entry described in subsection (c) as free of duty.

(b) REFUND OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to a request for a liquidation or reliquidation of the entry under subsection (a) shall be refunded with interest within 180 days after the date on which request is made.

(c) AFFECTED ENTRY.—The entry referred to in subsection (a) is the entry on July 5, 2002, of 2 tramway cars (provided for in subheading 8603.10.00) manufactured in Plzen, Czech Republic, for the use of the city of Portland, Oregon (Entry number 529–0032191–1).

SEC. 1502. LIBERTY BELL REPLICA.

The Secretary of the Treasury shall admit free of duty a replica of the Liberty Bell imported from the Whitechapel Bell Foundry of London, England, by the Liberty Memorial Association of Green Bay and Brown County, Wisconsin, for use by the city of Green Bay, Wisconsin and Brown County, Wisconsin.

SEC. 1503. CERTAIN ENTRIES OF COTTON GLOVES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon proper request filed with the United States Customs Service within 180 days after the date of the enactment of this Act, the Customs Service—

(1) shall reliquidate each entry described in subsection (c) containing any merchandise which, at the time of original liquidation, had been classified under subheading 6116.92.64 or subheading 6116.92.74; and

(2) shall reliquidate such merchandise under subheading 6116.92.88 at the rate of duty then applicable under such subheading.

(b) REFUND OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to a request for the reliquidation of an entry under subsection (a) shall be refunded with interest within 180 days after the date on which request is made.

(c) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry number	Date of entry
0397329–2	02/02/00
0395844–2	12/15/99
0394509–2	09/27/99
0393293–4	08/11/99
0391942–8	06/21/99
0389842–4	04/01/99
0387094–4	12/21/98
0386845–0	12/16/98
0385488–0	10/28/98
0384053–3	09/01/98
0382090–7	06/04/98
0381125–5	04/11/98
0289673–4	01/26/98
0288778–2	12/10/97
0288085–2	11/07/97
0386624–0	08/02/97
0284468–4	04/29/97
0283060–0	03/10/97
0281394–5	11/27/96
0274823–2	01/10/96
0274523–8	12/22/95
0274113–8	11/30/95
0273038–8	10/13/95
0272524–8	09/14/95
0272128–8	08/23/95
0271540–5	07/27/95
0270995–2	07/03/95
0270695–8	06/09/95
0269959–1	05/09/95
0269276–0	04/04/95
0265832–4	11/02/94
0264841–6	09/08/94

SEC. 1504. CERTAIN ENTRIES OF POSTERS.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under subheading 4911.91.20 at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 4911.91.40 on the date of entry.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (c) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry number	Date of entry
F1126496605	09/24/00
F1117735656	10/18/00
90100999235	02/14/01
90101010321	04/23/01
90101001700	02/28/01
28100674408	04/25/01
28100671081	04/09/01
28100670398	04/06/01
F1126187352	06/19/00
F1126530833	10/05/00
28100678433	05/18/01
90100999235	04/14/01
90101001700	02/28/01

SEC. 1505. CERTAIN OTHER ENTRIES OF POSTERS.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or

any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall—

(1) not later than 90 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (c) containing any merchandise which, at the time of the original liquidation, was classified under subheading 4911.91.20 at the rate of duty that would have been applicable to such merchandise if the merchandise had been liquidated or reliquidated under subheading 4911.91.40 on the date of entry; and

(2) within 90 days after such liquidation or reliquidation—

(A) refund any excess duties paid with respect to such entries, including interest from the date of entry; or

(B) relieve the importer of record of any excess duties, penalties, or fines associated with the excess duties.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to any entry described in subsection (c) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act.

(c) ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry number	Date of entry
582–0002495–7	September 2, 1999
582–0093847–9	November 19, 1999
582–8905213–4	March 8, 1999
582–2250697–3	February 21, 2000
582–0197509–0	February 18, 2000
582–1296965–2	February 20, 2000
582–0212609–9	March 1, 2000
582–0215607–0	March 3, 2000
582–0242091–4	March 24, 2000
582–0046610–9	October 12, 1999
582–0251198–5	March 31, 2000
582–0002495–7	September 2, 1999
528–0088559–7	November 16, 1999
582–0093847–9	November 19, 1999
582–0068164–0	October 29, 1999
582–0163876–3	January 20, 2000
582–0136646–4	December 22, 1999
582–0126598–9	December 15, 1999
582–0111417–9	December 3, 1999
445–2163068–9	November 14, 1999
445–2161190–3	September 6, 1999
445–2163176–0	November 18, 1999
445–2164563–8	January 13, 2000
445–2166869–7	April 12, 2000
445–2162118–3	October 10, 1999
U16–0101858–7	May 2, 2000
182–0167758–2	November 1, 2000

SEC. 1506. CERTAIN ENTRIES OF 13 INCH TELEVISIONS.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law and subject to the provisions of subsection (b), the United States Customs Service shall, not later than 180 days after the receipt of the request described in subsection (b), liquidate or reliquidate each entry described in subsection (d) containing any merchandise which, at the time of the original liquidation, was classified under the following subheadings with respect to which there would have been no duty or a lesser duty if the amendments made by section 1003 of the Miscellaneous Trade and Technical Corrections Act of 1999 had applied to such entry or withdrawal:

(1) Subheading 8528.12.12.
(2) Subheading 8528.12.20.
(3) Subheading 8528.12.62.
(4) Subheading 8528.12.68.
(5) Subheading 8528.12.76.
(6) Subheading 8528.12.84.
(7) Subheading 8528.21.16.
(8) Subheading 8528.21.24.
(9) Subheading 8528.21.55.
(10) Subheading 8528.21.65.
(11) Subheading 8528.21.75.
(12) Subheading 8528.21.85.
(13) Subheading 8528.30.62.
(14) Subheading 8528.30.66.
(15) Subheading 8540.11.24.
(16) Subheading 8540.11.44.

(b) REQUESTS.—Reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefore is filed with the Customs Service within 90 days after the date of the enactment of this Act, and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) AFFECTED ENTRIES.—The entries referred to in subsection (a), are as follows:

Entry number	Date of entry	Date of liquidation
110–17072538	11/03/98	09/17/99
110–17091314	11/23/98	10/08/99
110–17091322	11/23/98	10/08/99
110–17216804	12/31/98	11/12/99
110–20748215	04/20/99	03/03/00
110–20762802	04/28/99	03/10/00
110–20848544	05/12/99	03/31/00
110–20848569	05/18/99	03/31/00
110–20988456	06/22/99	05/04/00
110–20993563	06/22/99	05/15/00
110–20997705	06/22/99	05/05/00
110–63822017	06/09/97	05/05/00
110–63822041	06/09/97	
110–63822082	06/09/97	
110–68575370	07/11/97	05/22/98
110–68575610	07/11/97	05/22/98
110–15093163	10/05/98	08/20/99
110–15173551	11/02/98	09/17/99
110–17091132	11/07/98	09/24/99
110–17217265	12/05/98	10/15/99
110–20762364	04/12/99	02/18/00
110–63822025	06/09/97	
110–75485118	02/12/98	12/28/98
110–75492643	02/12/98	12/28/98
110–75793447	07/07/98	05/21/99
110–20993704	06/20/99	05/05/00
110–66600972	06/07/97	04/17/98
110–66603414	06/14/97	
110–66603448	06/07/97	04/17/98
110–66617810	06/21/97	05/01/98
110–66618099	06/23/97	05/08/98
110–68156429	07/12/97	05/22/98
110–68165818	07/19/97	05/29/98
110–68165826	07/19/97	05/29/98
110–68171576	07/26/97	06/05/98
110–68175767	08/02/97	06/12/98
110–68177029	08/02/97	06/12/98
110–68217833	08/16/97	06/26/98
110–68220167	08/16/97	07/06/98
110–68220183	08/19/97	07/06/98
110–68233418	08/24/97	07/10/98
110–68234424	08/25/97	07/10/98
110–70008550	09/20/97	07/31/98
110–70014707	09/20/97	07/31/98
110–70014723	09/20/97	07/31/98
110–70014731	09/30/97	07/31/98
110–70014756	09/20/97	07/31/98
110–70014798	09/20/97	07/31/98
110–70100464	10/11/97	08/21/98
110–70106651	10/19/97	09/04/98
110–70106669	10/19/97	09/04/98
110–70112584	10/25/97	09/04/98
110–70113970	10/25/97	09/04/98
110–70113996	10/25/97	09/04/98
110–70115199	10/25/97	09/04/98
110–70190978	11/08/97	09/18/98
110–70192990	11/08/97	09/18/98
110–70198906	11/15/97	09/25/98
110–70198914	11/15/97	09/25/98
110–70204233	11/29/97	10/09/98
110–70204266	11/22/97	10/02/98
110–75399046	12/19/97	10/30/98
110–75399103	01/04/98	11/20/98
110–75481455	01/24/98	12/04/98
110–75485563	01/24/98	12/04/98
110–75494953	02/07/98	12/18/98
110–04901383	07/11/97	05/22/98
110–33326985	07/07/97	05/22/98
110–63019333	07/11/97	05/22/98
110–63821993	06/07/97	04/17/98
110–66600378	06/20/97	05/01/98
110–66601004	06/20/97	05/01/98
110–66603380	06/20/97	05/01/98
110–66625441	07/07/97	05/22/98
110–66626951	07/07/97	05/22/98
110–68175825	08/04/97	06/19/98
110–68182938	08/11/97	06/26/98
110–68184140	08/11/97	06/26/98
110–68184918	08/11/97	06/26/98
110–68184926	08/11/97	06/26/98
110–68184934	08/11/97	06/26/98
110–68184942	08/11/97	06/26/98
110–68229994	09/08/97	07/24/98
110–68230000	09/08/97	07/24/98
110–68230232	09/03/97	07/17/98
110–70009715	09/22/97	08/07/98
110–70024698	10/07/98	08/21/98
110–70028764	10/13/97	08/28/98
110–70028772	10/13/97	08/28/98
110–70103625	10/30/98	09/11/98
110–70186810	11/13/97	09/25/98
110–70190937	11/26/97	10/09/98
110–70192362	11/19/97	10/02/98
110–70199151	11/26/97	10/09/98
110–70204555	12/04/97	10/16/98
110–70204563	12/04/97	10/16/98
110–70206360	12/06/97	10/23/98
110–75399079	01/07/98	11/20/98
110–75492627	02/11/98	12/28/98
110–75492635	02/11/98	12/28/98
110–14975204	09/15/98	07/30/99
110–20848643	05/19/99	05/31/00
110–20988472	06/20/99	05/05/00
110–20993589	06/20/99	05/05/00
110–75485126	02/11/98	12/28/98
110–75793405	07/16/98	05/28/99
110–75793611	08/04/98	06/18/99
110–75931278	08/16/98	07/02/99
110–75938893	08/16/98	07/23/99

SEC. 1507. ENTRIES OF CERTAIN APPAREL ARTICLES PURSUANT TO THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT OR THE AFRICAN GROWTH AND OPPORTUNITY ACT.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the Customs Service shall liquidate or reliquidate as free of duty and free of any quantitative restrictions, limitations, or consultation levels entries of articles described in subsection (d) made on or after October 1, 2000.

(b) REQUESTS.—Liquidation or reliquidation may be made under subsection (a) with respect to an entry described in subsection (d) only if a request therefor is filed with the Customs Service within 90 days after the date of the enactment of this Act and the request contains sufficient information to enable the Customs Service to locate the entry or reconstruct the entry if it cannot be located.

(c) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of any entry under subsection (a) shall be paid not later than 180 days after the date of such liquidation or reliquidation.

(d) ENTRIES.—The entries referred to in subsection (a) are—

(1) entries of apparel articles (other than socks provided for in heading 6115 of the Harmonized Tariff Schedule of the United States) that meet the requirements of section 213(b)(2)(A) of the Caribbean Basin Economic Recovery Act (as amended by section 3107(a) of the Trade Act of 2002 and section 2005(c) of this Act); and

(2) entries of apparel articles that meet the requirements of section 112(b) of the African Growth and Opportunity Act (as amended by section 3108 of the Trade Act of 2002 and section 2005(b) of this Act).

SEC. 1508. CERTAIN ENTRIES PREMATURELY LIQUIDATED IN ERROR.

(a) IN GENERAL.—Notwithstanding sections 514 and 520 of the Tariff Act of 1930 (19 U.S.C. 1514 and 1520), or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, reliquidate those entries described in subsection (c), in accordance with the final decision of the International

Trade Administration of the Department of Commerce, and the final results of the administrative reviews, for entries made on or after December 1, 1993 and before April 1, 2001.

(b) PAYMENT OF AMOUNTS OWED.—Any amounts owed by the United States pursuant to the liquidation or reliquidation of an entry under subsection (a) shall be paid by the Customs Service within 90 days after such liquidation or reliquidation.

(c) ENTRY LIST.—The entries referred to in subsection (a), are as follows:

Entry number	Date of entry	Date of liquidation
669–26046013	02/09/94	07/12/96
112–62707166	02/12/94	05/14/99
669–26046716	03/05/94	07/12/96
669–26046997	03/16/94	07/12/96
669–26047094	03/22/94	07/12/96
669–26047508	04/03/94	07/12/96
225–41000430	04/11/94	07/29/94
669–26047862	04/19/94	07/12/96
669–26048027	04/22/94	07/12/96
669–26048050	04/22/94	07/12/96
669–26048068	04/22/94	07/12/96
669–26049199	06/05/94	07/12/96
051–01380045	06/14/94	06/21/96
225–21019541	07/02/94	Unknown
669–26050742	07/20/94	07/12/96
669–26051294	08/16/94	07/19/96
669–26051377	08/17/94	07/12/96
669–26051401	08/23/94	07/19/96
051–01378452	09/01/94	08/16/96
669–26051906	09/06/94	07/19/96
669–26052714	10/05/94	07/19/96
669–26054629	01/02/95	07/12/96
669–26054918	01/21/95	07/12/96
669–00985582	02/17/95	09/17/99
225–41030148	05/01/95	01/20/95
112–85106669	06/07/95	02/25/00
112–80968196	08/03/95	11/17/95
669–26059347	09/02/95	07/12/96
112–79650961	09/27/95	12/29/95
669–28017335	10/06/95	06/14/96
112–05038720	05/01/96	08/02/96
112–17629326	01/06/97	04/18/97
112–17629326	03/12/97	04/18/97
669–01225053	06/12/97	10/15/99
669–01223637	06/25/97	10/08/99
669–01225418	06/25/97	10/08/99
669–01225913	06/27/97	10/08/99
669–01227380	07/03/97	10/08/99
669–01232166	07/07/97	10/08/99
669–01230533	07/09/97	10/08/99
669–01236357	07/30/97	10/08/99
100–47966294	08/08/97	08/26/99
669–01241811	08/13/97	10/08/99
669–01245838	08/27/97	10/08/99
669–01247933	09/04/97	10/15/99
669–01251448	09/21/97	10/08/99
669–01254020	09/24/97	10/08/99
669–01256801	10/01/97	10/08/99
669–01259466	10/15/97	10/08/99
669–01260753	10/15/97	10/08/99
669–01261363	10/16/97	10/08/99
669–01262650	10/22/97	10/08/99
669–01263856	10/24/97	10/08/99
669–01267337	11/06/97	10/08/99
669–01269200	11/12/97	10/08/99
669–01271784	11/20/97	10/08/99
669–01271800	11/23/97	10/08/99
669–01272907	11/30/97	10/08/99
669–01273673	11/30/97	10/08/99
669–01274119	11/30/97	10/08/99
669–01276585	12/04/97	10/08/99
669–01278763	12/14/97	10/15/99
669–01283441	12/30/97	10/08/99
669–01296948	01/09/98	10/08/99
669–01292186	01/22/98	10/08/99
669–04201964	01/23/98	10/08/99
112–14206987	01/23/98	02/22/99
669–01295130	02/01/98	10/08/99
669–01296955	02/05/98	10/08/99
669–01297649	02/12/98	10/08/99
669–01298530	02/12/98	10/08/99
669–01302126	02/21/98	10/08/99
669–01302134	02/21/98	10/08/99
669–01302530	02/21/98	10/08/99
669–01303546	02/21/98	10/08/99
669–01304569	02/27/98	10/08/99
669–01305947	03/05/98	10/08/99
669–01306978	03/07/98	10/08/99
669–01306986	03/07/98	10/08/99
669–01307554	03/12/98	10/08/99
669–01312711	03/14/98	10/08/99
669–28050047	03/20/98	04/02/99
669–01312703	03/21/98	10/08/99
669–01318072	04/07/98	10/08/99
669–01324781	04/24/98	10/08/99
669–01325218	04/25/98	10/08/99
669–01327586	04/30/98	10/08/99
669–01330283	May–98	10/08/99
669–01332081	May–98	10/08/99
112–35098876	05/08/98	04/02/99
669–01332081	05/16/98	10/08/99
669–01335357	05/26/98	10/08/99
700–07050910	05/30/98	03/24/00
110–54366892	06/03/98	04/16/99
112–38590861	09/09/98	07/23/99
112–01742119	04/20/99	08/09/96
110–64694523	10/07/99	10/01/99

CHAPTER 2—MISCELLANEOUS PROVISIONS

SEC. 1601. HAIR CLIPPERS.

(a) IN GENERAL.—Heading 8510 of chapter 85 is amended—

(1) by striking subheading 8510.20.00 and inserting the following, with the article description for subheading 8510.20 having the same degree of indentation as the article description for subheading 8510.10.00, and with the article descriptions for subheadings 8510.20.10 and 8510.20.90 having the same degree of indentation as the article description for subheading 8510.90.55:

"	8510.20	Hair clippers:				
	8510.20.10	Hair clippers to be used for agricultural or horticultural purposes	4%	Free (A, CA, E, IL, J, MX)	45%	
	8510.20.90	Other	4%	Free (A, CA, E, IL, J, MX)	45%	";

and

(2) by striking subheading 8510.90.30 and inserting the following subheadings and superior text thereto, with such superior text having the same degree of indentation as the article description for subheading 8510.90.55:

"		Parts of hair clippers:				
	8510.90.30	Parts of hair clippers to be used for agricultural or horticultural purposes	4%	Free (A,CA,E, IL,J,MX)	45%	
	8510.90.40	Other parts of hair clippers	4%	Free (A,CA,E, IL,J,MX)	45%	".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

SEC. 1602. TRACTOR BODY PARTS.

(a) CERTAIN TRACTOR PARTS.—Heading 8708 is amended by striking subheading 8708.29.20 and inserting the following new subheadings, with the superior heading for subheadings 8708.29.21 and 8708.29.25 having the same degree of indentation as the article description for subheading 8708.29.15:

"		Body stampings:				
	8708.29.21	For tractors suitable for agricultural use	Free		Free	
	8708.29.25	Other	2.5%	Free (A, B, CA, E, IL, J, JO, MX)	25%	";

(b) STAGED RATE REDUCTIONS.—Any staged reduction of a rate of duty proclaimed by the President before the date of the enactment of this Act, that—

(1) would take effect on or after such date of enactment; and

(2) would, but for the amendment made by subsection (a), apply to subheading 8708.29.20 of the Harmonized Tariff Schedule of the United States, applies to the corresponding rate of duty set forth in subheading 8708.29.25 of such Schedule (as added by subsection (a)).

SEC. 1603. FLEXIBLE MAGNETS AND COMPOSITE GOODS CONTAINING FLEXIBLE MAGNETS.

Heading 8505 of chapter 85 is amended—

(1) by striking subheading 8505.19.00 and inserting the following new subheadings, with the article description for subheadings 8505.19.10, 8505.19.20, and 8505.19.30 having the same degree of indentation as the article description for subheading 8505.11.00:

"	8505.19.10	Flexible magnet	4.9%	Free (A, CA, E, IL, J, MX)	45%
	8505.19.20	Composite goods containing flexible magnet	4.9%	Free (A, CA, E, IL, J, MX)	45%

8505.19.30	Other	4.9%	Free (A, CA, E, IL, J, MX)	45%

''.

SEC. 1604. VESSEL REPAIR DUTIES.

(a) EXEMPTION.—Section 466(h) of the Tariff Act of 1930 (19 U.S.C. 1466(h)) is amended—

(1) in paragraph (1), by striking the comma at the end and inserting a semicolon;

(2) in paragraph (2), by striking '', or'' at the end and inserting a semicolon;

(3) in paragraph (3), by striking the period at the end and inserting ''; or''; and

(4) by adding at the end the following:

''(4) the cost of equipment, repair parts, and materials that are installed on a vessel documented under the laws of the United States and engaged in the foreign or coasting trade, if the installation is done by members of the regular crew of such vessel while the vessel is on the high seas.

Declaration and entry shall not be required with respect to the installation, equipment, parts, and materials described in paragraph (4).''.

(b) AMENDMENT TO HTS.—Subchapter XVIII of chapter 98 of the Harmonized Tariff Schedule of the United States is amended by striking ''U.S. Note'' and inserting ''U.S. Notes'' and by adding after U.S. note 1, the following new note:

''2. Notwithstanding the provisions of subheadings 9818.00.03 through 9818.00.07, no duty shall apply to the cost of equipment, repair parts, and materials that are installed in a vessel documented under the laws of the United States and engaged in the foreign or coasting trade, if the installation is done by members of the regular crew of such vessel while the vessel is on the high seas, and declaration and entry shall not be required with respect to such installation, equipment, parts, and materials.''.

(c) EFFECTIVE DATE.—The amendments made by this section apply to vessel equipment, repair parts, and materials installed on or after April 25, 2001.

SEC. 1605. DUTY-FREE TREATMENT FOR HAND-KNOTTED OR HAND-WOVEN CARPETS.

(a) AMENDMENT OF THE TRADE ACT OF 1974.—Section 503(b) of the Trade Act of 1974 (19 U.S.C. 2463(b)) is amended by adding at the end the following new paragraph:

''(4) CERTAIN HAND-KNOTTED OR HAND-WOVEN CARPETS.—Notwithstanding paragraph (1)(A), the President may designate as an eligible article or articles under subsection (a) carpets or rugs which are hand-loomed, hand-woven, hand-hooked, hand-tufted, or hand-knotted, and classifiable under subheadings 5701.10.16, 5701.10.40, 5701.90.10, 5701.90.20, 5702.10.90, 5702.42.20, 5702.49.10, 5702.51.20, 5702.91.30, 5702.92.00, 5702.99.10, 5703.10.00, 5703.20.10, or 5703.30.00 of the Harmonized Tariff Schedule of the United States.''.

(b) CONFORMING AMENDMENT.—Section 503(b)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2463(b)(1)(A)) is amended by striking ''Textile'' and inserting ''Except as provided in paragraph (4), textile''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to any article entered, or withdrawn from warehouse for consumption, on or after the date of enactment of this Act.

SEC. 1606. DUTY DRAWBACK FOR CERTAIN ARTICLES.

Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by adding at the end the following new subsection:

''(y) ARTICLES SHIPPED TO THE UNITED STATES INSULAR POSSESSIONS.—Articles described in subsection (j)(1) shall be eligible for drawback under this section if duty was paid on the merchandise upon importation into the United States and the person claiming the drawback demonstrates that the merchandise has entered the customs territory of the United States Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Guam, Canton Island, Enderbury Island, Johnston Island, or Palmyra Island.''.

SEC. 1607. UNUSED MERCHANDISE DRAWBACK.

(a) IN GENERAL.—Section 313(j) of the Tariff Act of 1930 (19 U.S.C. 1313(j)) is amended—

(1) in paragraph (1), by striking ''because of its'' and inserting ''upon entry or''; and

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''because of its'' and inserting ''upon entry or''; and

(B) in subparagraph (C)(ii)(II)—

(i) by striking ''then upon'' and inserting ''then, notwithstanding any other provision of law, upon''; and

(ii) by striking ''shall be refunded as drawback'' and inserting ''shall be refunded as drawback hereunder''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act, and shall apply to any drawback claim filed on or after that date and to any drawback entry filed before that date if the liquidation of the entry is not final on that date.

SEC. 1608. TREATMENT OF CERTAIN FOOTWEAR UNDER CARIBBEAN BASIN ECONOMIC RECOVERY ACT.

Section 213(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)) is amended as follows:

(1) In paragraph (1)(B), to read as follows:

''(B) footwear provided for in any subheadings 6401.10.00, 6401.91.00, 6401.92.90, 6401.99.30, 6401.99.60, 6401.99.90, 6402.30.50, 6402.30.70, 6402.30.80, 6402.91.50, 6402.91.80, 6402.91.90, 6402.99.20, 6402.99.80, 6402.99.90, 6403.59.60, 6403.91.30, 6403.99.60, 6403.99.90, 6404.11.90, and 6404.19.20 of the HTS of the United States that was not designated at the time of the effective date of this title as eligible articles for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;''.

(2) In paragraph (3)(A)—

(A) in clause (i), by striking ''Subject to clause (ii)'' and inserting ''Subject to clauses (ii) and (iii)''; and

(B) by adding at the end the following:

''(iii) CERTAIN FOOTWEAR.—Notwithstanding paragraph (1)(B) and clause (i) of this subparagraph, footwear provided for in subheadings 6403.59.60, 6403.91.30, 6403.99.60, and 6403.99.90 of the HTS shall be eligible for the duty-free treatment provided for under this title if—

''(I) the article of footwear is the growth, product, or manufacture of a CBTPA beneficiary country; and

''(II) the article otherwise meets the requirements of subsection (a), except that in applying such subsection, 'CBTPA beneficiary country' shall be substituted for 'beneficiary country' each place it appears.''.

SEC. 1609. DESIGNATION OF SAN ANTONIO INTERNATIONAL AIRPORT FOR CUSTOMS PROCESSING OF CERTAIN PRIVATE AIRCRAFT ARRIVING IN THE UNITED STATES.

(a) IN GENERAL.—Section 1453(a) of the Tariff Suspension and Trade Act of 2000 is amended by striking ''2-year period'' and inserting ''4-year period''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on November 9, 2002.

SEC. 1610. AUTHORITY FOR THE ESTABLISHMENT OF INTEGRATED BORDER INSPECTION AREAS AT THE UNITED STATES-CANADA BORDER.

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

(1) The increased security and safety concerns that developed in the aftermath of the terrorist attacks in the United States on September 11, 2001, need to be addressed.

(2) One concern that has come to light is the vulnerability of the international bridges and tunnels along the United States borders.

(3) It is necessary to ensure that potentially dangerous vehicles are inspected prior to crossing these bridges and tunnels; however, currently these vehicles are not inspected until after they have crossed into the United States.

(4) Establishing Integrated Border Inspection Areas (IBIAs) would address these concerns by inspecting vehicles before they gained access to the infrastructure of international bridges and tunnels joining the United States and Canada.

(b) CREATION OF INTEGRATED BORDER INSPECTION AREAS.—

(1) IN GENERAL.—The Commissioner of the Customs Service, in consultation with the Canadian Customs and Revenue Agency (CCRA), shall seek to establish Integrated Border Inspection Areas (IBIAs), such as areas on either side of the United States-Canada border, in which United States Customs officers can inspect vehicles entering the United States from Canada before they enter the United States, or Canadian Customs officers can inspect vehicles entering Canada from the United States before they enter Canada. Such inspections may include, where appropriate, employment of reverse inspection techniques.

(2) ADDITIONAL REQUIREMENT.—The Commissioner of Customs, in consultation with the Administrator of the General Services Administration when appropriate, shall seek to carry out paragraph (1) in a manner that minimizes adverse impacts on the surrounding community.

(3) ELEMENTS OF THE PROGRAM.—Using the authority granted by this section and under section 629 of the Tariff Act of 1930, the Commissioner of Customs, in consultation with the Canadian Customs and Revenue Agency, shall seek to—

(A) locate Integrated Border Inspection Areas in areas with bridges or tunnels with high traffic volume, significant commercial activity, and that have experienced backups and delays since September 11, 2001;

(B) ensure that United States Customs officers stationed in any such IBIA on the Canadian side of the border are vested with the maximum authority to carry out their duties and enforce United States law;

(C) ensure that United States Customs officers stationed in any such IBIA on the Canadian side of the border shall possess the same immunity that they would possess if they were stationed in the United States; and

(D) encourage appropriate officials of the United States to enter into an agreement with Canada permitting Canadian Customs officers stationed in any such IBIA on the United States side of the border to enjoy such immunities as permitted in Canada.

SEC. 1611. DESIGNATION OF FOREIGN LAW ENFORCEMENT OFFICERS.

(a) MISCELLANEOUS PROVISIONS.—Section 401(i) of the Tariff Act of 1930 (19 U.S.C. 1401(i)) is amended by inserting '', including foreign law enforcement officers,'' after ''or other person''.

(b) INSPECTIONS AND PRECLEARANCE IN FOREIGN COUNTRIES.—Section 629 of the Tariff Act of 1930 (19 U.S.C. 1629) is amended—

(1) in subsection (a), by inserting '', or subsequent to their exit from,'' after ''prior to their arrival in'';

(2) in subsection (c)—

(A) by inserting ''or exportation'' after ''relating to the importation''; and

(B) by inserting ''or exit'' after ''port of entry'';

(3) in subsection (e), to read as follows:

''(e) STATIONING OF FOREIGN CUSTOMS AND AGRICULTURE INSPECTION OFFICERS IN THE UNITED STATES.—The Secretary of State, in coordination with the Secretary and the Secretary of Agriculture, may enter into agreements with any foreign country authorizing the stationing in the United States of customs and agriculture inspection officials of that country (if similar privileges are extended by that country to United States officials) for the purpose of insuring that persons and merchandise going directly to that country from the United States, or that have gone directly from that country to the United States, comply with the customs and other laws of that country governing the importation or exportation of merchandise. Any foreign customs or agriculture inspection official stationed in the United States under this subsection may exercise such functions, perform such duties, and enjoy such privileges and immunities as United States officials may be authorized to perform or are afforded in that foreign country by treaty, agreement or law.''; and

(4) by adding at the end the following:

''(g) PRIVILEGES AND IMMUNITIES.—Persons designated to perform the duties of an officer of the Customs Service pursuant to section 1401(i) of this title shall be entitled to the same privileges and immunities as an officer of the Customs Service with respect to any actions taken by the designated person in the performance of such duties.''.

SEC. 1612. AMENDMENTS TO UNITED STATES INSULAR POSSESSION PROGRAM.

(a) PRODUCTION CERTIFICATES.—Additional U.S. Note 5(h) to chapter 91 is amended—

(1) by amending subparagraphs (i) and (ii) to read as follows:

''(i) In the case of each of calendar years 2003 through 2015, the Secretaries jointly, shall—

''(A) verify—

''(1) the wages paid by each producer to permanent residents of the insular possessions during the preceding calendar year (including the value of usual and customary health insurance, life insurance, and pension benefits); and

''(2) the total quantity and value of watches and watch movements produced in the insular possessions by that producer and imported free of duty into the customs territory of the United States; and

''(B) issue to each producer (not later than 60 days after the end of the preceding calendar year) a certificate for the applicable amount.

''(ii) For purposes of subparagraph (i), except as provided in subparagraphs (iii) and (iv), the term 'applicable amount' means an amount equal to the sum of—

''(A) 90 percent of the producer's creditable wages (including the value of usual and customary health insurance, life insurance, and pension benefits) on the assembly during the preceding calendar year of the first 300,000 units; plus

''(B) the applicable graduated declining percentage (determined each year by the Secretaries) of the producer's creditable wages (including the value of usual and customary health insurance, life insurance, and pension benefits) on the assembly during the preceding calendar year of units in excess of 300,000 but not in excess of 750,000; plus

''(C) the difference between the duties that would have been due on each producer's watches and watch movements (excluding digital watches and excluding units in excess of the 750,000 limitation of this subparagraph) imported into the customs territory of the United States free of duty during the preceding calendar year if the watches and watch movements had been subject to duty at the rates set forth in column 1 under this chapter that were in effect on January 1, 2001, and the duties that would have been due on the watches and watch movements if the watches and watch movements had been subject to duty at the rates set forth in column 1 under this chapter that were in effect for such preceding calendar year.''; and

(2) by amending subparagraph (v) to read as follows:

''(v) Any certificate issued under subparagraph (i) shall entitle the certificate holder to secure a refund of duties equal to the face value of the certificate on any articles that are imported into the customs territory of the United States by the certificate holder. Such refunds shall be made under regulations issued by the Treasury Department. Not more than 5 percent of such refunds may be retained as a reimbursement to the Customs Service for the administrative costs of making the refunds.''.

(b) JEWELRY.—Additional U.S. Note 3 to chapter 71 is amended—

(1) by redesignating paragraphs (b), (c), (d), and (e) as paragraphs (c), (d), (e), and (f), respectively;

(2) by inserting after paragraph (a) the following new paragraph:

''(b) Notwithstanding additional U.S. Note 5(h)(ii)(B) to chapter 91, articles of jewelry subject to this note shall be subject to a limitation of 10,000,000 units.''; and

(3) by striking paragraph (f), as so redesignated, and inserting the following:

''(f) Notwithstanding any other provision of law, any article of jewelry provided for in heading 7113 that is assembled in the Virgin Islands, Guam, or American Samoa by a jewelry manufacturer or jewelry assembler that commenced jewelry manufacturing or jewelry assembly operations in the Virgin Islands, Guam, or American Samoa after August 9, 2001, shall be treated as a product of the Virgin Islands, Guam, or American Samoa for purposes of this note and General Note 3(a)(iv) of this Schedule if such article is entered no later than 18 months after such jewelry manufacturer or jewelry assembler commenced jewelry manufacturing or jewelry assembly operations in the Virgin Islands, Guam, or American Samoa.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to goods imported into the customs territory of the United States on or after January 1, 2003.

SEC. 1613. MODIFICATION OF PROVISIONS RELATING TO DRAWBACK CLAIMS.

(a) MERCHANDISE NOT CONFORMING TO SAMPLE OR SPECIFICATIONS.—Section 313(c) of the Tariff Act of 1930 (19 U.S.C. 1313(c)), is amended to read as follows:

''(c) MERCHANDISE NOT CONFORMING TO SAMPLE OR SPECIFICATIONS.—

''(1) CONDITIONS FOR DRAWBACK.—Upon the exportation or destruction under the supervision of the Customs Service of articles or merchandise—

''(A) upon which the duties have been paid,

''(B) which has been entered or withdrawn for consumption,

''(C) which is—

''(i) not conforming to sample or specifications, shipped without the consent of the consignee, or determined to be defective as of the time of importation, or

''(ii) ultimately sold at retail by the importer, or the person who received the merchandise from the importer under a certificate of delivery, and for any reason returned to and accepted by the importer, or the person who received the merchandise from the importer under a certificate of delivery, and

''(D) which, within 3 years after the date of importation or withdrawal, as applicable, has been exported or destroyed under the supervision of the Customs Service,

the full amount of the duties paid upon such merchandise, less 1 percent, shall be refunded as drawback.

''(2) DESIGNATION OF IMPORT ENTRIES.—For purposes of paragraph (1)(C)(ii), drawback may be claimed by designating an entry of merchandise that was imported within 1 year before the date of exportation or destruction of the merchandise described in paragraph (1) (A) and (B) under the supervision of the Customs Service. The merchandise designated for drawback must be identified in the import documentation with the same eight-digit classification number and specific product identifier (such as part number, SKU, or product code) as the returned merchandise.

''(3) WHEN DRAWBACK CERTIFICATES NOT REQUIRED.—For purposes of this subsection, drawback certificates are not required if the drawback claimant and the importer are the same party, or if the drawback claimant is a drawback successor to the importer as defined in subsection (s)(3).''.

(b) TIME LIMITATION ON EXPORTATION OR DESTRUCTION.—Section 313(i) of the Tariff Act of 1930 (19 U.S.C. 1313(i)), is amended—

(1) by striking ''No'' and inserting ''Unless otherwise provided for in this section, no''; and

(2) by inserting '', or destroyed under the supervision of the Customs Service,'' after ''exported''.

(c) USE OF DOMESTIC MERCHANDISE ACQUIRED IN EXCHANGE FOR IMPORTED MERCHANDISE OF SAME KIND AND QUALITY.—Section 313(k) of the Tariff Act of 1930 (19 U.S.C. 1313(k)), is amended—

(1) by striking ''(k)'' and inserting ''(k)(1)''; and

(2) by adding at the end the following new paragraph:

''(2) For purposes of subsections (a) and (b), the use of any domestic merchandise acquired in exchange for a drawback product of the same kind and quality shall be treated as the use of such drawback product if no certificate of delivery or certificate of manufacture and delivery pertaining to such drawback product is issued, other than that which documents the product's manufacture and delivery. As used in this paragraph, the term 'drawback product' means any domestically produced product, manufactured with imported merchandise or any other merchandise (whether imported or domestic) of the same kind and quality, that is subject to drawback.''.

(d) PACKAGING MATERIAL.—Section 313(q) of the Tariff Act of 1930 (19 U.S.C. 1313(q)), is amended to read as follows:

''(q) PACKAGING MATERIAL.—

''(1) PACKAGING MATERIAL UNDER SUBSECTIONS (c) AND (j).—Packaging material, whether imported and duty paid, and claimed for drawback under either subsection (c) or (j)(1), or imported and duty paid, or substituted, and claimed for drawback under subsection (j)(2), shall be eligible for drawback, upon exportation, of 99 percent of any duty, tax, or fee imposed under Federal law on such imported material.

''(2) PACKAGING MATERIAL UNDER SUBSECTIONS (a) AND (b).—Packaging material that is manufactured or produced under subsection (a) or (b) shall be eligible for drawback, upon exportation, of 99 percent of any duty, tax, or fee imposed under Federal law on the imported or substituted merchandise used to manufacture or produce such material.

''(3) CONTENTS.—Packaging material described in paragraphs (1) and (2) shall be eligible for drawback whether or not they contain articles or merchandise, and whether or not any articles or merchandise they contain are eligible for drawback.

''(4) EMPLOYING PACKAGING MATERIAL FOR ITS INTENDED PURPOSE PRIOR TO EXPORTATION.—The use of any packaging material for its intended purpose prior to exportation shall not be treated as a use of such material prior to exportation for purposes of applying subsection (a), (b), or (c), or paragraph (1)(B) or (2)(C)(i) of subsection (j).''.

(e) LIMITATION ON LIQUIDATION.—Section 504 of the Tariff Act of 1930 (19 U.S.C. 1504) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a) LIQUIDATION.—

''(1) ENTRIES FOR CONSUMPTION.—Unless an entry of merchandise for consumption is extended under subsection (b) of this section or suspended as required by statute or court order, except as provided in section 751(a)(3), an entry of merchandise for consumption not liquidated within 1 year from—

''(A) the date of entry of such merchandise,

''(B) the date of the final withdrawal of all such merchandise covered by a warehouse entry,

''(C) the date of withdrawal from warehouse of such merchandise for consumption if, pursuant to regulations issued under section 505(a), duties may be deposited after the filing of any entry or withdrawal from warehouse, or

''(D) if a reconciliation is filed, or should have been filed, the date of the filing under section 484 or the date the reconciliation should have been filed, shall be deemed liquidated at the rate of duty, value, quantity, and amount of duties asserted at the time of entry by the importer of record.

Notwithstanding section 500(e), notice of liquidation need not be given of an entry deemed liquidated.

''(2) ENTRIES OR CLAIMS FOR DRAWBACK.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) or (C), unless an entry or claim for drawback is extended under subsection (b) or suspended as required by statute or court order, an entry or claim for drawback not liquidated within 1 year from the date of entry or claim shall be deemed liquidated at the drawback amount asserted by the claimant at the time of entry or claim. Notwithstanding section 500(e), notice of liquidation need not be given of an entry deemed liquidated.

''(B) UNLIQUIDATED IMPORTS.—An entry or claim for drawback whose designated or identified import entries have not been liquidated and become final within the 1-year period described in subparagraph (A), or within the 1-year period described in subparagraph (C), shall be deemed liquidated upon the deposit of estimated duties on the unliquidated imported merchandise, and upon the filing with the Customs Service of a written request for the liquidation of the drawback entry or claim. Such a request must include a waiver of any right to payment or refund under other provisions of law. The Secretary of the Treasury shall prescribe any necessary regulations for the purpose of administering this provision.

''(C) EXCEPTION.—An entry or claim for drawback filed before the date of the enactment of this paragraph, the liquidation of which is not final as of the date of the enactment of this paragraph, shall be deemed liquidated on the date that is 1 year after the date of the enactment of this paragraph at the drawback amount asserted by the claimant at the time of the entry or claim.

''(3) PAYMENTS OR REFUNDS.—Payment or refund of duties owed pursuant to paragraph (1) or (2) shall be made to the importer of record or drawback claimant, as the case may be, not later than 90 days after liquidation.

''(b) EXTENSION.—The Secretary may extend the period in which to liquidate an entry if—

''(1) the information needed for the proper appraisement or classification of the imported or withdrawn merchandise, or for determining the correct drawback amount, or for ensuring compliance with applicable law, is not available to the Customs Service; or

''(2) the importer of record or drawback claimant, as the case may be, requests such extension and shows good cause therefor.

The Secretary shall give notice of an extension under this subsection to the importer of record or drawback claimant, as the case may be, and the surety of such importer of record or drawback claimant. Notice shall be in such form and manner (which may include electronic transmittal) as the Secretary shall by regulation prescribe. Any entry the liquidation of which is extended under this subsection shall be treated as having been liquidated at the rate of duty, value, quantity, and amount of duty asserted at the time of entry by the importer of record, or the drawback amount asserted at the time of entry by the drawback claimant, at the expiration of 4 years from the applicable date specified in subsection (a).'';

(2) in subsection (c)—

(A) by inserting ''or drawback claimant, as the case may be,'' after ''to the importer of record''; and

(B) by inserting ''or drawback claimant'' after ''of such importer of record''; and

(3) in subsection (d), by striking the period at the end and inserting ''or (in the case of a drawback entry or claim) at the drawback amount asserted at the time of entry by the drawback claimant.''.

(f) PENALTIES FOR FALSE DRAWBACK CLAIMS.—Section 593A(h) of the Tariff Act of 1930 (19 U.S.C. 1593a(h)) is amended by striking ''subsection (g)'' and inserting ''subsections (c) and (g)''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), (c), (d), and (f) shall take effect on the date of enactment of this Act, and shall apply to—

(A) any drawback entry filed on and after such date of enactment; and

(B) any drawback entry filed before such date of enactment if the liquidation of the entry is not final on such date of enactment.

(2) SUBSECTION (e).—The amendments made by subsection (e) shall take effect on the date of enactment of this Act, and shall apply to—

(A) any entry of merchandise for consumption or entry or claim for drawback filed on and after such date of enactment; and

(B) any entry or claim for drawback filed before such date of enactment if the liquidation of the entry or claim is not final on such date of enactment.

Subtitle C—Effective Date

SEC. 1701. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title shall apply with respect to goods entered, or withdrawn from warehouse, for consumption, on or after the 15th day after the date of the enactment of this Act.

TITLE II—OTHER TRADE PROVISIONS

SEC. 2001. EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE FEDERAL REPUBLIC OF YUGOSLAVIA.

Notwithstanding Public Law 102–420 (19 U.S.C. 2434 note), the President may proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of the Federal Republic of Yugoslavia.

SEC. 2002. DESIGNATION OF ISRAELI-TURKISH QUALIFYING INDUSTRIAL ZONES.

(a) DESIGNATION.—Section 9(e)(1) of the United States-Israel Free Trade Area Implementation Act of 1985 (19 U.S.C. 2112 note), is amended by striking ''Israel and Jordan'' and inserting ''Israel and Turkey, Israel and Jordan,''.

(b) EXCLUSION OF CERTAIN PRODUCTS OF QUALIFYING INDUSTRIAL ZONES FROM PROCLAMATION AUTHORITY.—Section 9 of the United States-Israel Free Trade Area Implementation Act of 1985 (19 U.S.C. 2112 note), is amended—

(1) in subsection (a), by striking ''The'' and inserting ''Except as provided in subsection (f), the''; and

(2) by adding at the end the following new subsection:

''(f) ARTICLES THAT MAY NOT BE EXEMPTED FROM DUTY.—The President may not proclaim under subsection (a) elimination or modification of any existing duty with respect to any article that is wholly the growth, product, or manufacture of a qualifying industrial zone that encompasses portions of the territory of Israel and Turkey or is a new and different article of commerce that has been grown, produced, or manufactured in a qualifying industrial zone that encompasses portions of the territory of Israel and Turkey, if such article is within any of the following categories of import-sensitive articles:

''(1) Textile and apparel articles that were not eligible articles for purposes of title V of the Trade Act of 1974 on January 1, 1994, as such title was in effect on such date.

''(2) Footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel that were not eligible articles for purposes of title V of the Trade Act of 1974 on January 1, 1995, as such title was in effect on such date.

''(3) Any other article that the President determines to be import-sensitive.''.

SEC. 2003. MODIFICATION TO CELLAR TREATMENT OF NATURAL WINE.

(a) IN GENERAL.—Subsection (a) of section 5382 of the Internal Revenue Code of 1986 (relating to cellar treatment of natural wine) is amended to read as follows:

''(a) PROPER CELLAR TREATMENT.—

''(1) IN GENERAL.—Proper cellar treatment of natural wine constitutes—

''(A) subject to paragraph (2), those practices and procedures in the United States, whether historical or newly developed, of using various methods and materials to stabilize the wine, or the fruit juice from which it is made, so as to produce a finished product acceptable in good commercial practice in accordance with regulations prescribed by the Secretary; and

''(B) subject to paragraph (3), in the case of wine produced and imported subject to an international agreement or treaty, those practices and procedures acceptable to the United States under such agreement or treaty.

''(2) RECOGNITION OF CONTINUING TREATMENT.—For purposes of paragraph (1)(A), where a particular treatment has been used in customary commercial practice in the United States, it shall continue to be recognized as a proper cellar treatment in the absence of regulations prescribed by the Secretary finding such treatment not to be proper cellar treatment within the meaning of this subsection.

''(3) CERTIFICATION OF PRACTICES AND PROCEDURES FOR IMPORTED WINE.—

''(A) IN GENERAL.—In the case of imported wine which is not subject to an international agreement or treaty under paragraph (1)(B),

the Secretary shall accept the practices and procedures used to produce such wine, if, at the time of importation—

''(i) the importer provides the Secretary with a certification from the government of the producing country, accompanied by an affirmed laboratory analysis, that the practices and procedures used to produce the wine constitute proper cellar treatment under paragraph (1)(A), or

''(ii) in the case of an importer that owns or controls or that has an affiliate that owns or controls a winery operating under a basic permit issued by the Secretary, the importer certifies that the practices and procedures used to produce the wine constitute proper cellar treatment under paragraph (1)(A).

''(B) AFFILIATE DEFINED.—For purposes of this paragraph, the term 'affiliate' has the meaning given such term by section 117(a)(4) of the Federal Alcohol Administration Act (27 U.S.C. 211(a)(4)) and includes a winery's parent or subsidiary or any other entity in which the winery's parent or subsidiary has an ownership interest.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2004.

SEC. 2004. ARTICLES ELIGIBLE FOR PREFERENTIAL TREATMENT UNDER THE ANDEAN TRADE PREFERENCE ACT.

The rate of duty applicable on the day before the date of the enactment of the Trade Act of 2002 to any article described in section 204(b)(1)(D) of the Andean Trade Preference Act (as amended by section 3103(a)(2) of the Trade Act of 2002) shall apply to such article on and after such date of enactment until such time as the President proclaims duty free treatment pursuant to section 204(b)(1) of such Act for such article.

SEC. 2005. TECHNICAL AMENDMENTS.

(a) TRADE ACT of 2002.—(1) Section 2(a)(4) of the Trade Act of 2002 is amended by striking ''and Other Provisions''.

(2) The table of contents of the Trade Act of 2002 is amended—

(A) in the item relating to section 342, by striking ''customs service'' and inserting ''Customs Service''; and

(B) by amending the item relating to section 3107 to read as follows:

''3107. Trade benefits under the Caribbean Basin Economic Recovery Act.''.

(3) The amendment made by section 111(b) of the Trade Act of 2002 shall be deemed never to have been enacted.

(4) Section 221(a)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2271(a)(2)(A)) is amended by striking ''assistance, and appropriate'' and inserting ''assistance and appropriate''.

(5) Section 222(b) of the Trade Act of 1974 (19 U.S.C. 2272(b)) is amended—

(A) by striking the subsection heading and inserting the following: ''ADVERSELY AFFECTED SECONDARY WORKERS''; and

(B) in the matter preceding paragraph (1), by inserting ''pursuant to a petition filed under section 221'' after ''under this chapter''.

(6) Section 238(b)(1) of the Trade Act of 1974 is amended by striking ''Secretary,'' and inserting ''Secretary)''.

(7) Section 246 of the Trade Act of 1974 is amended—

(A) in subsection (a)(3)(B)(iii), by striking ''and'' after the semicolon; and

(B) in subsection (b)(2), by striking ''provided that'' and inserting ''if''.

(8) Section 124(b) of the Trade Act of 2002 is amended by striking ''by inserting after the item relating to section 245 the following new item'' and inserting ''by amending the item relating to section 246 to read as follows''.

(9) Section 296 of the Trade Act of 1974 is amended—

(A) in subsection (a)(1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''trade adjustment allowance'' and inserting ''adjustment assistance under this chapter''; and

(II) by striking ''such allowance'' and inserting ''such assistance''; and

(ii) in subparagraph (A), by striking ''subsection (a)'' and inserting ''this subsection''; and

(B) in subsection (b)(2), by striking ''paragraph (1) except'' and inserting ''paragraph (1), except''.

(10) Section 142 of the Trade Act of 2002 is amended—

(A) in subsection (a)(1)—

(i) by striking ''284(a)'' and ''2395(a)'' and inserting ''284'' and ''2395'', respectively; and

(ii) in subparagraph (A), by inserting ''in subsection (a),'' after ''(A)''; and

(B) in subsection (b), by striking '', as amended by subparagraph (A),''.

(11) Section 583(c)(1) of the Tariff Act of 1930 (19 U.S.C. 1583(c)(1)) is amended by moving the matter preceding subparagraph (A) and subparagraphs (A) through (K) 2 ems to the right.

(12) Section 371(b) of the Trade Act of 2002 is amended by striking ''1330(e)(2)'' and inserting ''1330(e)''.

(13) Section 336 of the Trade Act of 2002 is amended to read as follows:

''SEC. 336. STUDY AND REPORT RELATING TO CUSTOMS USER FEES.

''(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the amount of each customs user fee imposed under section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) approximates the cost of services provided by the Customs Service relating to the fee so imposed.

''(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing—

''(1) the results of the study conducted under subsection (a); and

''(2) recommendations for the appropriate amount of the customs user fees if such results indicate that the fees are not commensurate with the level of services provided by the Customs Service.

Notwithstanding any other provision of law, the report or its contents may only be disclosed by the Comptroller General to any committee or Member of Congress and the Customs Service and shall not be disclosed to the public.''.

(14) Section 141(b)(2) of the Trade Act of 1974 (19 U.S.C. 2171(b)(2)) is amended by moving the paragraph 2 ems to the left.

(15) Section 2102(c) of the Trade Act of 2002 is amended—

(A) in paragraph (8), by striking ''this Act'' and inserting ''this title''; and

(B) in paragraph (12), by striking ''government engaged'' and inserting ''government is engaged''.

(16) Section 2103 of the Trade Act of 2002 is amended—

(A) in subsection (a)(1)(A), by striking ''June 1'' each place it appears and inserting ''July 1'';

(B) in subsection (b)(1)(C), by striking ''June 1'' each place it appears and inserting ''July 1'' and

(C) in subsection (c)—

(i) in paragraph (1)(B)(ii), by striking ''June 1'' and inserting ''July 1'';

(ii) in paragraph (2), by striking ''March 1'' and inserting ''April 1''; and

(iii) in paragraph (3), by striking ''May 1'' each place it appears and inserting ''June 1''.

(17) Section 2105(c) of the Trade Act of 2002 is amended by striking ''aand'' and inserting ''and''.

(18) Section 2113 of the Trade Act of 2002 is amended—

(A) in the first paragraph designated ''(2)'', by striking ''101(d)(12)'' and ''3511(d)(12)'' and inserting ''101(d)(13)'' and ''3511(d)(13)'', respectively; and

(B) in the second paragraph designated ''(2)''—

(i) by redesignating such paragraph as paragraph (3); and

(ii) by striking ''101(d)(13)'' and ''3511(d)(13)'' and inserting ''101(d)(12)'' and ''3511(d)(12)'', respectively.

(19) Section 4101(b)(1) of the Trade Act of 2002 is amended—

(A) in the matter preceding subparagraph (A), by striking ''entry—'' and inserting ''entry of any article—''; and

(B) in subparagraph (A), by striking ''of any article''.

(20) U.S. Note 15 to subchapter II of chapter 99 is amended by striking the comma after ''9902.51.11''.

(21) U.S. Note 16 to subchapter II of chapter 99 is amended by striking the comma after ''9902.51.12''.

(22) Section 343(a)(3)(L) of the Trade Act of 2002 is amended by striking ''60'' and inserting ''15''.

(23) Section 141(b) of the Trade Act of 2002 is amended by striking ''title'' and inserting ''subtitle''.

(24) Section 13031(b)(9) of the Consolidated Omnibus Budget Reconciliation Act (19 U.S.C. 58c(b)(9)) is amended—

(A) in subparagraph (A), by moving the margins for clause (ii) 4 ems to the left; and

(B) by moving the margins for subparagraph (B) 4 ems to the left.

(b) APPAREL ARTICLES UNDER AFRICAN GROWTH AND OPPORTUNITY ACT.—(1) Section 112(b)(1) of the African Growth and Opportunity Act (19 U.S.C. 3721(b)(1)) is amended by striking ''(including'' and inserting ''or both (including''.

(2) Section 112(b)(3) of the African Growth and Opportunity Act (19 United States Code 3721(b)(3)) is amended in the matter preceding subparagraph (A), by striking ''subject to the following:'' and inserting ''whether or not the apparel articles are also made from any of the fabrics, fabric components formed, or components knit-to-shape described in paragraph (1) or (2) (unless the apparel articles are made exclusively from any of the fabrics, fabric components formed, or components knit-to-shape described in paragraph (1) or (2)), subject to the following:''

(3) Section 112(b)(5)(A) of the African Growth and Opportunity Act (19 U.S.C. 3721(b)(5)(A)) is amended to read as follows:

''(A) IN GENERAL.—Apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more beneficiary sub-Saharan African countries, to the extent that apparel articles of such fabrics or yarns would be eligible for preferential treatment, without regard to the source of the fabrics or yarns, under Annex 401 to the NAFTA.''

(c) APPAREL ARTICLES UNDER CARIBBEAN BASIN ECONOMIC RECOVERY ACT.—(1) Section 213(b)(2)(A) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)(2)(A)) is amended—

(A) in clause (i), by striking ''(including'' and inserting ''or both (including''; and

(B) in clause (v), by striking '', from fabrics or yarn that is not formed in the United States or in one or more CBTPA beneficiary countries''.

(2) Section 3107(a)(1)(B) of the Trade Act of 2002 is amended by striking ''(B) by adding at the end the following:'' and inserting ''(B) by amending the last two sentences to read as follows:''.

(d) TARIFF ACT OF 1930.—Section 505(a) of the Tariff Act of 1930 is amended—

(1) in the first sentence—

(A) by inserting ''referred to in this subsection'' after ''periodic payment''; and

(B) by striking ''10 working days'' and inserting ''12 working days''; and

(2) in the second sentence, by striking ''a participating'' and all that follows through the end of the sentence and inserting the following: ''the Secretary shall promulgate regulations permitting a participating importer of record, or the importer's filer, to deposit estimated duties and fees for entries of merchandise, other than merchandise entered for warehouse, transportation, or under bond, no later than the 15th day of the month following the month in which the merchandise is entered or released.''.

(e) ADDITIONAL TECHNICAL AMENDMENTS.—(1) The second and third U.S. Notes 6 to subchapter XVII of chapter 98 (as added by sections 1433(b) and 1456(b) of the Tariff Suspension and Trade Act of 2000, respectively) are redesignated as U.S. Notes 7 and 8 to subchapter XVII of chapter 98, respectively.

(2) U.S. Notes 4 and 12 to subchapter II of chapter 99 are hereby repealed.

SEC. 2006. TECHNICAL AMENDMENTS CONCERNING THE TRANSMITTAL OF CERTAIN INFORMATION TO THE CUSTOMS SERVICE.

(a) TARIFF ACT OF 1930.—Section 431A(d) of the Tariff Act of 1930, as added by section 343(b) of the Trade Act of 2002 (Public Law 107–210), is amended to read as follows:

''(d) REPORTING OF UNDOCUMENTED CARGO.—

''(1) IN GENERAL.—A vessel carrier shall notify the Customs Service of any cargo tendered to such carrier that is not properly documented pursuant to this section and that has remained in the marine terminal for more than 48 hours after being delivered to the marine terminal, and the location of the cargo in the marine terminal.

''(2) SHARING ARRANGEMENTS.—For vessel carriers that are members of vessel sharing agreements (or any other arrangement whereby a carrier moves cargo on another carrier's vessel), the vessel carrier accepting the booking shall be responsible for reporting undocumented cargo, without regard to whether it operates the vessel on which the transportation is to be made.

''(3) REASSIGNMENT TO ANOTHER VESSEL.—For purposes of this subsection and subsection (f), if merchandise has been tendered to a marine terminal operator and subsequently reassigned for carriage on another vessel, the merchandise shall be considered properly documented if the information provided reflects carriage on the previously assigned vessel and otherwise meets the requirements of subsection (b). Notwithstanding the preceding sentence, it shall be the responsibility of the vessel carrier to notify the Customs Service promptly of any reassignment of merchandise for carriage on a vessel other than the vessel on which the merchandise was originally assigned.

''(4) MULTIPLE CONTAINERS.—If a single shipment is comprised of multiple containers, the 48-hour period described in paragraph (1) shall begin to run from the time the last container of the shipment is delivered to the marine terminal operator. It shall be the responsibility of the person tendering the cargo to inform the carrier that the shipment consists of multiple containers that will be delivered to the marine terminal operator at different times as part of a single shipment.''.

(b) MANDATORY ADVANCED ELECTRONIC INFORMATION.—Section 343(a) of the Trade Act of 2002 (Public Law 107–210) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—

''(A) Subject to paragraphs (2) and (3), the Secretary is authorized to promulgate regulations providing for the transmission to the Customs Service, through an electronic data interchange system, of information pertaining to cargo to be brought into the United States or to be sent from the United States, prior to the arrival or departure of the cargo.

''(B) The Secretary shall endeavor to promulgate an initial set of regulations under subparagraph (A) not later than October 1, 2003.''.

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

''(2) INFORMATION REQUIRED.—The cargo information required by the regulations promulgated pursuant to paragraph (1) under the parameters set forth in paragraph (3) shall be such information on cargo as the Secretary determines to be reasonably necessary to ensure cargo safety and security pursuant to those laws enforced and administered by the Customs Service. The Secretary shall provide to appropriate Federal departments and agencies cargo information obtained pursuant to paragraph (1).''; and

(3) in paragraph (3)—

(A) by striking ''aviation, maritime, and surface transportation safety and security'' in subparagraphs (F), (H), and (L)(ii) and inserting ''cargo safety and security'';

(B) in subparagraph (F)—

(i) by inserting ''merchandise'' after ''determining'';

(ii) by inserting ''and preventing smuggling'' after ''security''; and

(iii) by adding at the end the following: ''Notwithstanding the preceding sentence, nothing in this section shall be treated as amending, repealing, or otherwise modifying title IV of the Tariff Act of 1930 or regulations promulgated thereunder.'';

(C) in subparagraph (G)—

(i) in the first sentence—

(I) by inserting ''cargo'' after ''confidential''; and

(II) by inserting after ''Customs Service'' the following: ''pursuant to such regulations, except for the manifest information collected pursuant to section 431 of the Tariff Act of 1930 and required to be available for public disclosure pursuant to section 431(c) of such Act.''; and

(ii) by striking the second sentence; and

(D) in subparagraph (L)—

(i) in the matter preceding clause (i)—

(I) by striking ''60'' and inserting ''15''; and

(II) by striking ''promulgation of regulations'' and inserting ''publication of a final rule pursuant to this section'';

(ii) by striking ''and'' at the end of clause (iii);

(iii) by striking the period and inserting ''; and'' at the end of clause (iv); and

(iv) by inserting at the end the following: ''(v) if the Secretary determines to amend the proposed regulations after they have been transmitted to the Committees pursuant to this subparagraph, the Secretary shall transmit the amended regulations to such Committees no later than 5 days prior to the publication of the final rule.''.

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

The Chair recognizes the gentleman from California (Mr. THOMAS).

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

Mr. Speaker, the so-called Miscellaneous Trade and Technical Corrections Act is something that is done virtually every Congress, frankly because there are a lot of technical corrections that need to be made in the area of tariffs and duties. Oftentimes, decisions that are made that in fact were in error need to be corrected, a misunderstanding has taken place, a company can more efficiently produce goods if there are decisions and changes made, and that normally is the function of the miscellaneous trade bill.

To that end, there tend to be requirements to be eligible to be placed on this bill, and that is certain dollar limits, so that significant and expensive items would not be moved under this heading and, probably most importantly, that any measure that is placed in this package is noncontroversial. Sometimes when we examine that, it is in the eye of the beholder; but most often there is an objective way to determine ''noncontroversial''.

The reason this bill is being amended is because principally the delay in moving this bill forward was to wait to determine what specific measures from the other body might be reasonably added to this bill, given the time remaining, the possibility of the other body taking this from the desk and voting on it without intervening action or committee decisions.

I do need to note, though, that there are two specific provisions on this measure that, had I not said that no measure can go on this bill if it is not noncontroversial, perhaps would have raised some eyebrows. One is a qualifying industrial zone provision for Turkey, and the other is providing a better instrument for the President to determine whether normal trade relations would be resumed with Yugoslavia.

I believe, and I believe the gentleman from Michigan (Mr. LEVIN) will confirm, that, notwithstanding the potential difficulties with these two provisions in the bill, that there has been extensive consultation and adjustment of language to present two very useful, in fact I might say needed, provisions to provide the administration with the ability to make decisions in these areas, and that they are in fact noncontroversial, and my assumption is that attestations to that effect will be made.

Mr. Speaker, I am pleased to call up H.R. 5385, The Miscellaneous Trade and Technical Corrections Act of 2002, which is a compendium of trade provisions drawn largely from legislation introduced by individual Members during this Congress. This bill has more than 350 such provisions and enjoys broad bipartisan support.

The bill contains provisions involving the temporary suspension of duties on narrowly defined products, miscellaneous trade-related items, and technical corrections to the Trade and Development Act of 2002.

There are several miscellaneous trade provisions in this bill that are noteworthy. The bill would provide trade benefits to Turkey and to exporters of rugs under the Generalized System of Preferences. On the Turkey provision, I am aware of concerns expressed by businesses and farm groups regarding potential

competition from Turkey as a result of extending the Qualifying Industrial Zone (QIZ) law to cover zones in Turkey and Israel. I believe that there are sufficient protections within the legislation and the QIZ process to allay these concerns. First, the bill does not automatically grant duty-free status to any product. The bill does not list any farm or other goods on which US duties will be removed by law. Second, qualifying for duty-free treatment under the bill would require at least 35 percent of the product's value to be derived from a combination of operations performed in both Turkey and Israel. Mere repackaging or similar de minimis operations in one of the countries will not automatically qualify a product of the other nation to enter the US duty-free. Third, the law clearly states that the President may not extend duty-free treatment to products he determines to be import-sensitive. I anticipate that the President will solicit comments and exercise the same care in awarding duty free treatment in the Turkey QIZ program as he has done in the Generalized System of Preferences (GSP) program, which contains a similar criterion. Finally, the QIZ program is not intended or designed to override US health and safety statutes, including sanitary and phytosanitary laws and regulations.

In addition, the bill would make technical and clarifying corrections to provide benefits for Caribbean and sub-Saharan African countries. The preferential trade benefits for these countries would support U.S. trade policy to improve trade networks and opportunities for American firms while helping key American allies in the fight against terrorism and illegal drug traffic. Finally, the bill would provide Normal Trade Relations status to Yugoslavia, which was revoked in 1992.

The provisions included in this bill are noncontroversial but that does not mean they are unimportant. Most of the products in the duty suspension provisions are those that American firms uses as supplies or components of the products they manufacture. The purpose of this bill is to eliminate the burden that American firms have when buying these products, so they can in turn lower their cost of production and thereby the cost to the consumer. In many instances, these provisions will give our companies and their employees a fighting chance to compete.

This bill traditionally follows the same rules in every Congress. The provisions have been thoroughly vetted and have no opposition. Both the Department of Commerce and International Trade Commission investigated the bills and contacted domestic industries. With the exception of a few of the miscellaneous provisions that have wide applicability, each provision has a de minimis cost under $500,000. Lastly, the Administration confirms that all of the bills can be administered.

I strongly urge my colleagues to support this bill and to provide this assistance to American companies.

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

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

Mr. Speaker, I rise in support of this bill. As the chairman has indicated, it has received some considerable attention. There are many provisions in here that clearly would meet under any circumstances the criterion of ''technical'' or the criterion of ''miscellaneous'' or the criterion of having small impact in terms of dollars. So I will not go into length about the various provisions of this nature, except to mention the reverse Customs program at the northern border.

The gentleman from Michigan (Mr. CAMP), Senator LEVIN, myself, and others in the Michigan delegation have worked very hard on this, and it is clearly noncontroversial. I do not think that means it is nonsubstantial, because it potentially could have a major impact.

In terms of technical corrections, I understand the Senate is considering some potential truly technical corrections to the health care credits in the TAA that was passed, and we will have to see what happens. Clearly, the miscellaneous provisions regarding import duties have the potential of helping to improve the competitiveness of domestic manufacturers and also to assist consumers. These provisions apply to duties where there are no competitors to American producers, so I think it clearly would meet the standard or the criterion of being technical and noncontroversial.

The chairman mentioned some other items; one, the Turkey QIZ. I want to spend just a couple of minutes on this, because in a sense its impact would be, I think, de minimis, but it does raise some broader issues that we need to pay attention to, or which will be needed to be addressed in the future.

One was, I think, referred to or inferred about by the chairman. That relates to Turkey's relationship or its inappropriate relationship with Armenia. We had long discussions about that. I believe we have addressed it as effectively as we can under these circumstances.

As we know, there is presently an economic blockade of Armenia by Turkey. That has had some major impacts on Armenia, and we were very concerned about this. The administration has now made clear its efforts to take steps to end the blockade of Armenia by Turkey, to strengthen the Armenian economy, and to otherwise improve the relationship between our two countries.

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

Mr. LEVIN. I yield to the gentleman from California.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding.

The gentleman is correct, and I did not mention that because there is no measure in the bill that addresses that. But, clearly, part of the discussion was the production of a letter from the administration specifically containing the substance the gentleman mentioned.

I thank the gentleman for allowing me to intervene. I just wanted to indicate that I support wholly the content of the letter, and the fact that we are moving forward on this should in no way signify that the problems that are presently there are not being looked at and hopefully addressed in a comprehensive and bipartisan way.

Mr. LEVIN. I thank the gentleman.

I think, therefore, Mr. Speaker, both of us are making it clear that we expect the administration to follow through on the commitments and on the indications that are in this letter. It is a very serious matter, indeed.

Also, I wanted to mention, regarding the QIZ program, another aspect. That is, the lack of conditions within it. The QIZ is unlikely to have a major economic impact. It does also, though, involve relations between Israel and Turkey. Those are important ones.

So we are not talking, and I hope everyone understands this, about a likely major instrumentality in terms of trade in the near future. Because of our important strategic relationship with Turkey, on balance it made sense to let this proceed and allow the implementation of a QIZ program. However, I am very hopeful if that occurs and as it occurs that our government will pay attention to the issue of criteria.

In the GSP statute, we have criteria. Here we do not, for example, as to protection of U.S. investors, as to protection of intellectual property, as to core labor standards, as to environmental issues. If the QIZ were going to become a significant factor in our relationship economically, it would be important for our government to work on this and to make sure that criteria, and appropriate ones, were incorporated in any further understanding with the Turkish government.

The same applies potentially to steel. It is unlikely that the QIZ, this qualified industrial zone provision, would apply to steel, but I think there is a concern that it might, and our government needs to be sensitive to it. So, on balance, I think it is wise for this to proceed with the caveats that I have outlined.

Secondly, let me just make a brief reference to Yugoslavia that the chairman has discussed.

□ 1615

The gentleman from Maryland (Mr. CARDIN) had an amendment, and there now has been, I think, fruitful further discussion with the administration; and it has been withdrawn from this bill because of the assurances that have come from the administration to the proponents. I think these are important assurances. We need to make sure as Yugoslavia proceeds economically, as Yugoslavia obtains again normal trade relations, that it follows through on what has become so essential in our relationship, and that is the pursuit of the war crimes tribunal proceedings.

So with that I will conclude my remarks. I hope that we will pass this with the understandings that I have outlined.

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

Mr. THOMAS. Mr. Speaker, I yield such time as he may consume to the

gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade.

Mr. CRANE. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I rise in strong support of H.R. 5385, the Miscellaneous Trade and Technical Corrections Act of 2002. Every 2 years, Congress takes up this legislation that includes hundreds of trade provisions. Needless to say, this is an enormous task. However, this undertaking results in a set of consistent guidelines for addressing miscellaneous trade proposals. The duty suspensions have been publicly vetted, cost less than $500,000 a piece, and are administrable. This legislation does three very important things: one, it enables U.S. companies to more efficiently produce goods which allows them to be more competitive and function more cost efficiently. Two, it helps create jobs for American workers; and, three, it reduces costs for U.S. consumers.

For example, one bill in our package would benefit businesses such as one in Evanston, Wyoming, called Carbon Fiber Technology that employs 46 people and manufactures acrylic fiber used in the production of carbon fiber. Carbon fiber is used in many graphite products including the shafts of golf clubs. Since 1999, finished carbon fiber has entered the U.S. duty-free while Carbon Fiber Technology has been paying a duty rate of 8 percent on the acrylic precursor used to make its carbon fiber.

It makes no sense for an American company to pay duty on foreign inputs that go into products that compete with foreign products that enter duty-free. The current structure penalizes that American company for no reason. Suspending this duty will allow Carbon Fiber Technology to remain competitive and win back business from overseas competitors.

There is another provision dealing with GSP benefits for certain handmade rugs. The bill extends GSP benefits for certain handmade rugs from GSP beneficiary countries. The primary beneficiary is Pakistan. Other countries that would benefit from the bill include Turkey, Nepal, Egypt, and Morocco. The bill would significantly increase Pakistan's benefits under GSP and provide a much-needed benefit to an important ally in the war on terrorism.

In addition to the various duty suspensions, the bill contains a key provision to create a qualified industrial zone for certain products coming from Turkey. Turkey has been a key ally to the United States in the war on terrorism. These provisions will stimulate economic development in Turkey and continue to show the rest of the world that those who stand with us in this struggle will be rewarded.

Finally, Mr. Speaker, I want to thank my staff who worked tirelessly for several months in producing this bill. They are Angela Ellard, Meredith Broadbent, David Kavanaugh, Stephanie Lester, and our Fellow, Michael Walsh.

Mr. Speaker, I strongly urge my colleagues to vote ''aye'' on this bill.

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

Mr. Speaker, I thank my colleague. And the case study he cited is a perfect example of why we have a miscellaneous trade and tariff bill dealing with these peculiarities in multiple products we have.

Mr. Speaker, I would place in the RECORD the letter that has been discussed viz a viz the administration's understanding on the Turkey-Armenia border issue.

THE DEPUTY SECRETARY OF STATE,
Wasington, DC.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means, House of Representatives.

DEAR MR. CHAIRMAN: Our staffs recently discussed the Turkey-Armenia border issue. To follow-up on the questions raised in those discussions, I want to let you know our views.

The Administration is pressing Turkey to restore economic, political and cultural links with Armenia, and is encouraging Turkey to open its border with Armenia. We believe that such action would promote the economic development of both Turkey and Armenia. We are aware of the economic impact that this border closure has on Armenia. The Department of State, in coordination with the U.S. Trade Representative, will provide to Congress by March 31, 2003, a report on the economic impact of the border closure on Armenia and Turkey, and on diplomatic contacts with both parties on this issue.

In addition, as you know, the United States has largely completed its negotiations with Armenia with respect to accession talks with the World Trade Organization (WTO) and is now prepared to make Armenia's accession to the WTO an Administration priority. To that end, we are working with other WTO members to complete, by the end of this year, negotiations with Armenia for its accession to the WTO.

We look forward to working with you on these important issues.

Sincerely,

RICHARD L. ARMITAGE.

Mr. LINDER. Mr. Speaker, I rise today in support of this bill, which makes a number of desirable changes to the duty rates on certain imported goods and makes technical corrections to the Trade and Development Act of 2002. I appreciate the diligent efforts of Subcommittee Chairman CRANE and other members of the Trade Subcommittee in bringing this important bill to the floor.

H.R. 5385, the ''Miscellaneous Trade and Technical Corrections Act of 2002,'' includes some important measures that I introduced as freestanding bills to help manufacturing businesses in Georgia's 11th District remain competitive and save jobs. Passage of this bill will protect jobs in Georgia and across the nation, in addition to promoting the U.S. economy.

In particular, certain provisions of H.R. 5385 will eliminate the tariffs on high tenacity rayon filament yarn, which is imported for use in tires and industrial hoses. Although this industrial yarn is not produced domestically, it currently faces high tariffs. The elimination of this unnecessary tariff will promote lower-cost goods and protect jobs across the United States.

Another noteworthy provision of H.R. 5285 will correct a premature liquidation by the U.S. Customs Service on the importation of aramid fibers. This error resulted in the assessment of costly antidumping duties on aramid fibers imported for use in ballistics, tires, friction, mechanical rubber goods, and optical fiber cables. I am pleased that this fair measure has also been included in H.R. 5385.

In closing, this comprehensive bill will help American businesses to stay competitive with foreign companies, thereby providing lower-cost goods to American consumers, protecting jobs for American workers, and, ultimately, making the American economy more prosperous. I urge all of my colleagues on both sides of the aisle to join me in supporting this bill.

Mr. BLUMENAUER. Mr. Speaker, H.R. 5383, debated and passed today, includes language that allows two streetcars manufactured in the Czech Republic to enter the United States duty free. These streetcars are additions to the recently opened and highly successful Portland, Oregon streetcar line. I would to take this opportunity to thank the Ways and Means Committee Members and staff for working with me to solve a problem that would have led to unnecessary tariffs on these two streetcars. The work that they have done is important not only for Portland as it addresses its transportation needs, but hopefully can be developed as a model that can help other cities as they attempt to offer their regions greater transportation choices.

This past weekend, as a participant in the 2002 Rail-Volution conference held in Washington, D.C., I heard from local officials, land-use planners, transit employees, citizen advocates, and developers from more than 200 communities nationwide that are working to address transportation needs and options. Creating a trade import model that helps communities explore transportation alternatives that improve the livability of our cities is a worth endeavor of Congress.

Mr. MANZULLO. Mr. Speaker, I rise in support of H.R. 5385, the Miscellaneous Trade and Technical Corrections Act of 2002. I am pleased that two of the provisions in this legislation will help enhance the competitiveness of a constituent company in the northern Illinois district I am proud to represent.

Of these two provisions, one would suspend the duty on certain types of magnets used in automotive sensor applications. Although no one in the United States presently manufactures the same magnets, this provision had been objected to in its earlier form when H.R. 5385 was considered in the Committee on Ways and Means in September.

The objection was based on the concerns of a handful of constituent firms located in the districts of my colleagues, Representatives TED STRICKLAND and BOB NEY. Specifically, these firms, who manufacture other types of magnets domestically, were concerned that the earlier language did not clearly enough specify the types of magnets to which the suspension of duty would apply. Understandably, these companies just wanted to be sure that my legislation was going to extend benefits only to those magnets intended to be covered and not to imported versions of the types of magnets that these firms produce in the United States.

Because my objective in introducing duty suspension legislation was to help, not inadvertently hurt, U.S. industry, I instructed my staff to work closely with staff from the offices

of Representatives STRICKLAND and NEY to try to find a mutually acceptable compromise. Based on these efforts between our respective offices and our constituents, and with strong and critical support from Ways and Means Committee Staff Dave Kavanaugh, Michael Walsh and Viji Rangaswami, as well as representatives of the Bush Administration, we were able to find just such a compromise. This mutally acceptable language is now included in H.R. 5383 as it appears before the full House today.

I thank all those associated with tirelessly working out the compromise provision. I also thank Chairman THOMAS and Representatives RANGEL, CRANE and LEVIN for their leadership in moving legislation that has so measurable an impact back in our home districts, especially during such uncertain economic times.

THE DEPUTY SECRETARY OF STATE,
Washington, DC.

Hon. JOE KNOLLENBERG,
House of Representatives.

DEAR MR. KNOLLENBERG: Our staffs have recently discussed the Turkey-Armenia border issue. To follow-up on the questions raised in those discussions, I want to let you know our views.

The Administration is pressing Turkey to restore economic, political and cultural links with Armenia, and is encouraging Turkey to open its border with Armenia. We believe that such action would promote the economic development of both Turkey and Armenia. We are aware of the economic impact that this border closure has on Armenia. The Department of State, in coordination with the U.S. Trade Representative, will provide to Congress by March 31, 2003, a report on the economic impact of the border closure on Armenia and Turkey, and on diplomatic contacts with both parties on this issue.

In addition, as you know, the United States has largely completed its negotiations with Armenia with respect to accession talks with the World Trade Organization (WTO) and is now prepared to make Armenia's accession to the WTO an Administration priority. To that end, we are working with other WTO members to complete, by the end of this year, negotiations with Armenia for its accession to the WTO.

We look forward to working with you on these important issues.

Sincerely,

RICHARD L. ARMITAGE.

Mr. KNOLLENBERG. Mr. Speaker, I rise in support of this legislation, but I want to use my time to address one item in the bill, the Turkey Qualifying Industrial Zone provision.

I, along with the gentleman from New Jersey, Mr. PALLONE, serve as Co-Chairs of the Congressional Caucus on Armenian Issues. We had grave concerns about adding this provision to the bill given Turkey's continuing illegal blockade of Armenia in solidarity with Azerbaijan.

In order to achieve the stated U.S. policy goals of regional cooperation and economic integration in the Caucasus region, Turkey must restore economic, political and cultural links with Armenia as President Bush called for in his April 24, 2002 statement. It is in the national interest of the United States for Turkey to normalize relations with Armenia and open its border.

I have discussed this issue at great length with the White House, State Department and USTR. I feel that many of our concerns on this point have been addressed and that there appears to be a willingness on the part of the Administration to devote increased energy to lifting the blockade and helping to offset its impact on Armenia.

I am going to submit for the record a letter sent to me by Deputy Secretary of State Richard Armitage explaining these commitments. An identical letter was sent to Congressman PALLONE.

I feel that this is an important step forward and I await with interest the report on the economic impact of the blockade. I will, of course, carefully monitor the commitments in this letter and will continue working through every legislative means at our disposal to make progress toward bringing an end to Turkey's blockade of Armenia.

While we have many outstanding issues to resolve, I feel that the Turkey trade provision included in H.R. 5385 is not, in and of itself, sufficient reason to vote against this legislation. I urge Members not to oppose this bill because of this issue.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H.R. 5385, the Miscellaneous Trade and Technical Corrections Act and urge my colleagues to support its adoption.

H.R. 5385 includes two bills I introduced earlier this year, H.R. 3395 and H.R. 4179, to bolster the economy of my district, the U.S. Virgin Islands, especially the island of St. Croix.

Mr. Speaker, I introduced H.R. 3395 to fix an anomaly in existing law which permits duty rebates on products imported into the United States and then shipped to foreign countries, but which does not allow for such drawback for products imported into the United States and then shipped to our insular areas. This form of "Catch-22" exists because under the current legal interpretation, U.S. insular areas are outside the Customs territory of the United States, but at the same time are not deemed to be foreign countries. This means that companies that want to import goods to the United States for subsequent distribution in the Virgin Islands for example, are unable to receive a rebate of the duty paid, even though the goods ultimately are not sold within the United States customs territory. This actually hurts employment in the United States and has a negative impact on the ability of merchandise to move in and out of our insular areas.

My second bill. H.R. 4179, make a series of technical and/or non-controversial adjustments to the Production Incentive Certificate ("PIC") program for watch and jewelry produced in the U.S. insular areas. In the near term, this legislation improves the operation of the PIC program for both watch and jewelry manufactures in the U.S. Virgin Islands—producers that provide a critical source of employment for the Territory. Over the longer term, this legislation would protect the PIC program and related duty incentives from the effects of any future reduction or elimination of watch tariffs.

Mr. Speaker, even though a company recently announced the closure of its facility on St. Croix and consolidate their operations in Switzerland where they are headquartered, the watch industry remains the largest light manufacturing industry in the U.S. Virgin Islands and remains one of the most important direct and indirect sources of private sector employment in the Territory.

The insular watch production industry is also highly import-sensitive and faces continued threats from multinational watch producers, who have continued to move their watch production to lower wage countries.

The various technical adjustments set forth in this legislation would enhance the ability of insular watch and jewelry producers to utilize the PIC program while, at the same time, retaining overall PIC program unit and dollar value limits. Additionally, the legislation would establish a standby mechanism to mitigate the impact of any possible future reduction or elimination of watch duties on a worldwide basis through trade negotiations and congressional action. This mechanism—which has broad support among the insular and domestic watch manufacturing and distribution sectors—would ensure that any future reduction in watch duties does not disturb the relative value of current duty incentives and PIC program benefits for the insular watch industry. Importantly, this standby mechanism would have no effect on current watch duties or PIC program limits.

In conclusion, I want to thank my cosponsors of H.R. 5179, the gentlelady from Connecticut, Representative NANCY JOHNSON and the gentleman from New York, Representative MIKE MCNULTY for their strong support. I also want to express my gratitude to the Chairman of the Ways and Means Committee, BILL THOMAS and the Ranking Democrat CHARLES RANGEL for their decision to include both of my bills in the Miscellaneous Trade bill today.

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

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 5385, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5385.

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

There was no objection.

SUDAN PEACE ACT

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5531) to facilitate famine relief efforts and a comprehensive solution to the war in Sudan, as amended.

The Clerk read as follows:

H.R. 5531

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 "Sudan Peace Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The Government of Sudan has intensified its prosecution of the war against areas outside of its control, which has already cost more than 2,000,000 lives and has displaced more than 4,000,000 people.

(2) A viable, comprehensive, and internationally sponsored peace process, protected from manipulation, presents the best chance for a permanent resolution of the war, protection of human rights, and a self-sustaining Sudan.

(3) Continued strengthening and reform of humanitarian relief operations in Sudan is an essential element in the effort to bring an end to the war.

(4) Continued leadership by the United States is critical.

(5) Regardless of the future political status of the areas of Sudan outside of the control of the Government of Sudan, the absence of credible civil authority and institutions is a major impediment to achieving self-sustenance by the Sudanese people and to meaningful progress toward a viable peace process. It is critical that credible civil authority and institutions play an important role in the reconstruction of post-war Sudan.

(6) Through the manipulation of traditional rivalries among peoples in areas outside of its full control, the Government of Sudan has used divide-and-conquer techniques effectively to subjugate its population. However, internationally sponsored reconciliation efforts have played a critical role in reducing human suffering and the effectiveness of this tactic.

(7) The Government of Sudan utilizes and organizes militias, Popular Defense Forces, and other irregular units for raiding and enslaving parties in areas outside of the control of the Government of Sudan in an effort to disrupt severely the ability of the populations in those areas to sustain themselves. The tactic helps minimize the Government of Sudan's accountability internationally.

(8) The Government of Sudan has repeatedly stated that it intends to use the expected proceeds from future oil sales to increase the tempo and lethality of the war against the areas outside of its control.

(9) By regularly banning air transport relief flights by the United Nations relief operation OLS, the Government of Sudan has been able to manipulate the receipt of food aid by the Sudanese people from the United States and other donor countries as a devastating weapon of war in the ongoing effort by the Government of Sudan to starve targeted groups and subdue areas of Sudan outside of the Government's control.

(10) The acts of the Government of Sudan, including the acts described in this section, constitute genocide as defined by the Convention on the Prevention and Punishment of the Crime of Genocide (78 U.N.T.S. 277).

(11) The efforts of the United States and other donors in delivering relief and assistance through means outside of OLS have played a critical role in addressing the deficiencies in OLS and offset the Government of Sudan's manipulation of food donations to advantage in the civil war in Sudan.

(12) While the immediate needs of selected areas in Sudan facing starvation have been addressed in the near term, the population in areas of Sudan outside of the control of the Government of Sudan are still in danger of extreme disruption of their ability to sustain themselves.

(13) The Nuba Mountains and many areas in Bahr al Ghazal and the Upper Nile and the Blue Nile regions have been excluded completely from relief distribution by OLS, consequently placing their populations at increased risk of famine.

(14) At a cost which has sometimes exceeded $1,000,000 per day, and with a primary focus on providing only for the immediate food needs of the recipients, the current international relief operations are neither sustainable nor desirable in the long term.

(15) The ability of populations to defend themselves against attack in areas outside of the control of the Government of Sudan has been severely compromised by the disengagement of the front-line states of Ethiopia, Eritrea, and Uganda, fostering the belief among officials of the Government of Sudan that success on the battlefield can be achieved.

(16) The United States should use all means of pressure available to facilitate a comprehensive solution to the war in Sudan, including—

(A) the multilateralization of economic and diplomatic tools to compel the Government of Sudan to enter into a good faith peace process;

(B) the support or creation of viable democratic civil authority and institutions in areas of Sudan outside of government control;

(C) continued active support of people-to-people reconciliation mechanisms and efforts in areas outside of government control;

(D) the strengthening of the mechanisms to provide humanitarian relief to those areas; and

(E) cooperation among the trading partners of the United States and within multilateral institutions toward those ends.

SEC. 3. DEFINITIONS.

In this Act:

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

(2) GOVERNMENT OF SUDAN.—The term ''Government of Sudan'' means the National Islamic Front government in Khartoum, Sudan.

(3) OLS.—The term ''OLS'' means the United Nations relief operation carried out by UNICEF, the World Food Program, and participating relief organizations known as ''Operation Lifeline Sudan''.

SEC. 4. CONDEMNATION OF SLAVERY, OTHER HUMAN RIGHTS ABUSES, AND TACTICS OF THE GOVERNMENT OF SUDAN.

The Congress hereby—

(1) condemns—

(A) violations of human rights on all sides of the conflict in Sudan;

(B) the Government of Sudan's overall human rights record, with regard to both the prosecution of the war and the denial of basic human and political rights to all Sudanese;

(C) the ongoing slave trade in Sudan and the role of the Government of Sudan in abetting and tolerating the practice;

(D) the Government of Sudan's use and organization of ''murahalliin'' or ''mujahadeen'', Popular Defense Forces, and regular Sudanese Army units into organized and coordinated raiding and slaving parties in Bahr al Ghazal, the Nuba Mountains, and the Upper Nile and the Blue Nile regions; and

(E) aerial bombardment of civilian targets that is sponsored by the Government of Sudan; and

(2) recognizes that, along with selective bans on air transport relief flights by the Government of Sudan, the use of raiding and slaving parties is a tool for creating food shortages and is used as a systematic means to destroy the societies, culture, and economies of the Dinka, Nuer, and Nuba peoples in a policy of low-intensity ethnic cleansing.

SEC. 5. ASSISTANCE FOR PEACE AND DEMOCRATIC GOVERNANCE.

(a) ASSISTANCE TO SUDAN.—The President is authorized to provide increased assistance to the areas of Sudan that are not controlled by the Government of Sudan to prepare the population for peace and democratic governance, including support for civil administration, communications infrastructure, education, health, and agriculture.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President to carry out the activities described in subsection (a) of this section $100,000,000 for each of the fiscal years 2003, 2004, and 2005.

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

SEC. 6. SUPPORT FOR AN INTERNATIONALLY SANCTIONED PEACE PROCESS.

(a) FINDINGS.—Congress hereby—

(1) recognizes that—

(A) a single, viable internationally and regionally sanctioned peace process holds the greatest opportunity to promote a negotiated, peaceful settlement to the war in Sudan; and

(B) resolution to the conflict in Sudan is best made through a peace process based on the Declaration of Principles reached in Nairobi, Kenya, on July 20, 1994, and on the Machakos Protocol in July 2002; and

(2) commends the efforts of Special Presidential Envoy, Senator Danforth and his team in working to assist the parties to the conflict in Sudan in finding a just, permanent peace to the conflict in Sudan.

(b) MEASURES OF CERTAIN CONDITIONS NOT MET.—

(1) PRESIDENTIAL DETERMINATION.—

(A) The President shall make a determination and certify in writing to the appropriate congressional committees within 6 months after the date of enactment of this Act, and each 6 months thereafter, that the Government of Sudan and the Sudan People's Liberation Movement are negotiating in good faith and that negotiations should continue.

(B) If, under subparagraph (A) the President determines and certifies in writing to the appropriate congressional committees that the Government of Sudan has not engaged in good faith negotiations to achieve a permanent, just, and equitable peace agreement, or has unreasonably interfered with humanitarian efforts, then the President, after consultation with the Congress, shall implement the measures set forth in paragraph (2).

(C) If, under paragraph (A) the President determines and certifies in writing to the appropriate congressional committees that the Sudan People's Liberation Movement has not engaged in good faith negotiations to achieve a permanent, just, and equitable peace agreement, then paragraph (2) shall not apply to the Government of Sudan.

(D) If the President certifies to the appropriate congressional committees that the Government of Sudan is not in compliance with the terms of a permanent peace agreement between the Government of Sudan and the Sudan People's Liberation Movement, then the President, after consultation with the Congress, shall implement the measures set forth in paragraph (2).

(E) If, at any time after the President has made a certification under subparagraph (B), the President makes a determination and certifies in writing to the appropriate congressional committees that the Government of Sudan has resumed good faith negotiations, or makes a determination and certifies in writing to the appropriate congressional committees that the Government of Sudan is

in compliance with a peace agreement, then paragraph (2) shall not apply to the Government of Sudan.

(2) MEASURES IN SUPPORT OF THE PEACE PROCESS.—Subject to the provisions of paragraph (1), the President—

(A) shall, through the Secretary of the Treasury, instruct the United States executive directors to each international financial institution to continue to vote against and actively oppose any extension by the respective institution of any loan, credit, or guarantee to the Government of Sudan;

(B) should consider downgrading or suspending diplomatic relations between the United States and the Government of Sudan;

(C) shall take all necessary and appropriate steps, including through multilateral efforts, to deny the Government of Sudan access to oil revenues to ensure that the Government of Sudan neither directly nor indirectly utilizes any oil revenues to purchase or acquire military equipment or to finance any military activities; and

(D) shall seek a United Nations Security Council Resolution to impose an arms embargo on the Government of Sudan.

(c) REPORT ON THE STATUS OF NEGOTIATIONS.—If, at any time after the President has made a certification under subsection (b)(1)(A), the Government of Sudan discontinues negotiations with the Sudan People's Liberation Movement for a 14-day period, then the President shall submit a quarterly report to the appropriate congressional committees on the status of the peace process until negotiations resume.

(d) REPORT ON UNITED STATES OPPOSITION TO FINANCING BY INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall submit a semiannual report to the appropriate congressional committees describing the steps taken by the United States to oppose the extension of a loan, credit, or guarantee if, after the Secretary of the Treasury gives the instructions described in subsection (b)(2)(A), such financing is extended.

(e) REPORT ON EFFORTS TO DENY OIL REVENUES.—Not later than 45 days after the President takes an action under subsection (b)(2)(C), the President shall submit to the appropriate congressional committees a comprehensive plan for implementing the actions described in such subsection.

(f) DEFINITION.—In this section, the term ''international financial institution'' means the International Bank for Reconstruction and Development, the International Development Association, the International Monetary Fund, the African Development Bank, and the African Development Fund.

SEC. 7. MULTILATERAL PRESSURE ON COMBATANTS.

It is the sense of Congress that—

(1) the United Nations should help facilitate peace and recovery in Sudan;

(2) the President, acting through the United States Permanent Representative to the United Nations, should seek to end the veto power of the Government of Sudan over the plans by OLS for air transport relief flights and, by doing so, to end the manipulation of the delivery of relief supplies to the advantage of the Government of Sudan on the battlefield; and

(3) the President should take appropriate measures, including the implementation of recommendations of the International Eminent Persons Commission contained in the report issued on May 22, 2002, to end slavery and aerial bombardment of civilians by the Government of Sudan.

SEC. 8. REPORTING REQUIREMENT.

Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall prepare and submit to the appropriate congressional committees a report regarding the conflict in Sudan. Such report shall include—

(1) a description of the sources and current status of Sudan's financing and construction of infrastructure and pipelines for oil exploitation, the effects of such financing and construction on the inhabitants of the regions in which the oil fields are located, and the ability of the Government of Sudan to finance the war in Sudan with the proceeds of the oil exploitation;

(2) a description of the extent to which that financing was secured in the United States or with involvement of United States citizens;

(3) the best estimates of the extent of aerial bombardment by the Government of Sudan, including targets, frequency, and best estimates of damage; and

(4) a description of the extent to which humanitarian relief has been obstructed or manipulated by the Government of Sudan or other forces.

SEC. 9. CONTINUED USE OF NON-OLS ORGANIZATIONS FOR RELIEF EFFORTS.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the President should continue to increase the use of non-OLS agencies in the distribution of relief supplies in southern Sudan.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a detailed report describing the progress made toward carrying out subsection (a).

SEC. 10. CONTINGENCY PLAN FOR ANY BAN ON AIR TRANSPORT RELIEF FLIGHTS.

(a) PLAN.—The President shall develop a contingency plan to provide, outside the auspices of the United Nations if necessary, the greatest possible amount of United States Government and privately donated relief to all affected areas in Sudan, including the Nuba Mountains and the Upper Nile and the Blue Nile regions, in the event that the Government of Sudan imposes a total, partial, or incremental ban on OLS air transport relief flights.

(b) REPROGRAMMING AUTHORITY.—Notwithstanding any other provision of law, in carrying out the plan developed under subsection (a), the President may reprogram up to 100 percent of the funds available for support of OLS operations for the purposes of the plan.

SEC. 11. INVESTIGATION OF WAR CRIMES.

(a) IN GENERAL.—The Secretary of State shall collect information about incidents which may constitute crimes against humanity, genocide, war crimes, and other violations of international humanitarian law by all parties to the conflict in Sudan, including slavery, rape, and aerial bombardment of civilian targets.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act and annually thereafter, the Secretary of State shall prepare and submit to the appropriate congressional committees a detailed report on the information that the Secretary of State has collected under subsection (a) and any findings or determinations made by the Secretary on the basis of that information. The report under this subsection may be submitted as part of the report required under section 8.

(c) CONSULTATIONS WITH OTHER DEPARTMENTS.—In preparing the report required by this section, the Secretary of State shall consult and coordinate with all other Government officials who have information necessary to complete the report. Nothing contained in this section shall require the disclosure, on a classified or unclassified basis, of information that would jeopardize sensitive sources and methods or other vital national security interests.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentlewoman from California (Ms. WATSON) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5531.

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

There was no objection.

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

Mr. Speaker, I rise in very strong support of the Sudan Peace Act, and I want to especially thank the gentleman from Colorado (Mr. TANCREDO) for introducing this very worthwhile legislation.

This bill represents an important cause with strong bipartisan backing. I am particularly grateful to the original cosponsors that include the gentleman from Illinois (Mr. HYDE), the gentleman from California (Mr. ROYCE), the gentleman from New Jersey (Mr. PAYNE), the gentleman from Alabama (Mr. BACHUS), the gentleman from California (Mr. LANTOS), the gentleman from Illinois (Mr. PENCE), the gentlewoman from Florida (Ms. ROS-LEHTINEN), who chairs the Subcommittee on International Operations and Human Rights, the gentlewoman from California (Ms. LEE), the gentleman from Pennsylvania (Mr. FATTAH), the gentleman from Texas (Mr. ARMEY), and I myself am one of co-sponsors as well.

Mr. Speaker, the nation of Sudan is located in the far eastern corner of Africa. The National Islamic Front is the governing power, albeit a brutal dictatorship, in Sudan's capital city of Khartoum.

In November of 2001, President Bush renewed U.S. bilateral sanctions on the government of Sudan. According to the State Department, the Government of Sudan remains a designated state-sponsor of terrorist organizations around the world today. This government is an Islamic extremist government that has dedicated itself and its regime to manifesting a jihad, or holy war, even against its own citizens.

The war struggles in the southern part of that country have touched the hearts of many Americans in a nationwide grassroots effort to raise awareness about the suffering in Sudan. The Human Rights Caucus, the Congressional Black Caucus, the Church Alliance of a New Sudan, the Holocaust Museum's Committee on Conscience, the Commission on International Religious Freedom, and the NAACP are

among the countless individuals and organizations across this country who give this cause the profile and attention that it deserves.

Sudan civil war, Mr. Speaker, has been waged in the south for more than 4 decades. More than 2 million people have been killed, men, women, and children, to war-related causes and to famine. Four million people have been forced from their homes into temporary shelters. The conflict is Africa's oldest war, born from such complex causes as religion, ethnicity, national identity, and economic disparity.

Religion is a major factor because of the Islamic fundamentalist regimes and agenda of the current government, dominated by mostly Muslims from the Arab north. The National Islamic Fronts Government's practice of holy war is reflected in attacks on civilians in the south. Southerners who are Christian and animist reject the Islamization of their country and favor a secular government that respects fundamental religious freedoms.

Widespread institutionalization of the holy war has resulted in the practice of slavery and the mass dislocation of people in the south. I would just note parenthetically back in 1995, I chaired the first hearing ever on slavery in the Sudan, and at the time we were met with a number of skeptics and disbelievers who did not believe that shadow slavery continued to this day.

Captured slaves are reportedly forced to attended Koranic schools, and we heard that at that hearing then and it continues to this day. They need to change their names as part of this dehumanizing process. They are indoctrinated at times to fight against their own people. Harsh beatings and torture are a reality.

Some of the witnesses we heard of including mothers who saw their sons literally stolen from them, kidnapped and forced into slavery, their daughters as well. It was a horrifying hearing, and we heard about these cases year in and year out as we tried to bring attention to this horrible practice of slavery.

Mr. Speaker, the Government of Sudan has one of the worst human rights records in the world. The United States has repeatedly condemned the government of Khartoum for its abhorrent violations of human rights. According to the 2001 State Department Human Rights Report, there were accounts that during raids on civilian settlements, government allied militias abducted persons, particularly women and children. According to the 2002 ''Country Reports on Human Rights Practices,'' children from Christian and other non-Muslim families have been captured, enslaved, and forced to convert to Islam.

Some people in government-controlled peace camps for the internally displaced persons, IDD, were reportedly subjected to forced labor and at times pressured to convert to Islam.

The Sudanese Government has increased oil mining in areas inhabited by the southern Sudanese, thereby forcibly displacing the people to finance a more lethal and offensive war. I would point out to my colleagues that oil has been facilitating this war, and we have got to be very clear that any way that we help or enable the production of oil in the Sudan means that more innocent people will lose their lives.

Mr. Speaker, I would point out to my colleagues, as well, that Talisman Oil, and there has been a nationwide campaign, I am happy to say, about this, to divest State pensions and other pensions from the holdings of this company, a Canadian company which again has helped to facilitate this horrific war in Sudan.

My own State of New Jersey, to its credit, divested itself from many, many shares of Talisman Oil that it owned; and thankfully other States and municipalities and governments have followed suit.

Mr. Speaker, the Government of Sudan has continued to manipulate to its everlasting shame humanitarian relief efforts of the United Nations-led Operation Lifeline Sudan. In the past 14 years and as recently as September 27 of this year, the regime of the National Islamic Front has imposed flight bans on emergency humanitarian aid to starving civilians. In other words, by having that veto power, they have ensured that more innocent people have died a cruel death from starvation or from lack of medicines.

Many nations, Mr. Speaker, have tried and failed to end this civil war in Sudan. In 1994 heads of state from the frontline states of Ethiopia, Kenya, Eritrea, and Uganda formed a mediation committee under the auspices of the Inter-Governmental Authority for Development. This committee established the Declaration of Principles governing the peace process since 1994. The continuing contrast between word and deed underlines the importance of today's consideration of the Sudan Peace Act. The aerial bombing of civilian targets continues to this day.

The Government of Sudan continues to abandon the peace process at critical stages. As recently as July 2002, the Government of Sudan reached a peace agreement with the opposition forces, known as the Sudan People's Liberation Movement, in Kenya. The United States and its European allies worked with IDAG countries to mediate the agreement. On September 1 of this year, the Government of Sudan abandoned the agreement.

Mr. Speaker, I strongly urge my colleagues of both parties to support this important measure.

□ 1630

The Sudan Peace Act condemns the violation of human rights on both sides and denounces the government of Sudan for using food as a weapon of war. It recognizes the important interests of the United States in remaining a key player in the peace settlement among the warring parties. Secretary Powell has described Sudan as the tragedy that would command his full attention, and he has tried his best in this effort.

The bill establishes clear policy guidelines in support of the peace process by directing the U.S. to use all means to pressure and to force the government of Sudan to negotiate in good faith and to use all diplomatic and economic sanctions to further this goal.

The measure directs the President to develop a contingency plan for relief delivery if the government of Sudan imposes further bans on Operation Lifeline Sudan and to their relief transports. It provides the President with authority to reprogram all of the OLS designated funds, if necessary.

The bill authorizes $100 million in humanitarian assistance for each fiscal year of 2003, 2004 and 2005 to prepare the populations in opposition-controlled areas of Sudan for peace and democratic governance.

In sum, the Sudan Peace Act will give the administration some guidance in the peace efforts while leaving enough flexibility to lead the foreign affairs of the nation.

Mr. Speaker, the manager's amendment contains a few modifications, including an emphasis in the findings that credible civil authority institutions play an important role in the reconstruction of postwar Sudan and then a few other minor changes in the text of the bill.

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

Ms. WATSON of California. Mr. Speaker, I yield myself as much time as I may consume, and I rise in strong support of this bill.

Mr. Speaker, I would first like to thank the Chairman and the ranking Democratic Member of the Committee on International Relations for this important piece of legislation. This bill will increase pressure on the government of Sudan to end its egregious 19-year war against civilians in the south and west of that country.

The road to peace in Sudan is a very troubled one. Just a month ago, the Sudanese government walked away from the Machakos peace negotiations in Kenya. It also resumed bombings of civilian targets and imposed a ban on all flights carrying humanitarian assistance to southern Sudan and its estimated 5 million people.

We are relieved to learn that, as a result of vigorous international pressure, over the past few weeks the Sudanese government has lifted bans on humanitarian flights and is now rejoining the Sudanese people's liberation movement at the Machakos peace negotiations.

Mr. Speaker, this bill supports the Machakos peace process and authorizes $3 million per year for 3 years to help create institutions of peace and democratic governance in the areas not controlled by the government. This includes support for civil administration, communications infrastructure, education, health and agriculture.

The bill also requires that the President certify within 6 months of the passage of this bill and every 6 months afterwards that the parties are negotiating in good faith towards a durable and lasting peace.

If the President certifies that the government is the obstacle to peace, he is instructed to seek a U.N. Security Council resolution to impose an arms embargo on the Sudanese government. He must also instruct the U.S. executive directors to each internal financial institution to continue to vote against any loans, credits or guarantees to the government. If the Sudanese people's liberation movement is found acting in good faith, the President will pursue no actions against the government.

Mr. Speaker, this bill sends a clear message to the world and Sudan that the United States stands on the side of peace in Sudan. It also underscores our commitment to ending the human suffering that is there by securing a just and peaceful resolution to the ongoing conflict. I strongly urge my colleagues to support this bill.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. ROYCE), who chairs the Subcommittee on Africa of the Committee on International Relations.

Mr. ROYCE. Mr. Speaker, I thank the vice chairman for yielding me some time; and I rise also in support of this legislation. As has been mentioned, this bill differs from the one that the House of Representatives acted upon last year; and while this Sudan Peace Act is maybe not as muscular as the version that the House sent to the other body, it should still manage to encourage the end of a horrific war that has taken close to two million lives and has ruined countless others for 20 years.

The Sudan Peace Act most certainly deserves our support, and I would just like to mention that many of the Members here have seen firsthand, I think the gentleman from New Jersey (Mr. PAYNE) will be joining us; I know the gentleman from Virginia (Mr. WOLF); I know that our vice chairman, the gentleman from New Jersey (Mr. SMITH) of this committee have seen the consequences firsthand of this war.

In my constituency is a pastor who has adopted two young girls whose mother was shot in their presence. One of those girls has a bullet wound in her leg as a consequence of the terror that has been perpetuated on the people of southern Sudan, and I think this legislation rightly targets the Sudanese government's horrendous acts.

The regime in Khartoum has continued its practice of using food as a weapon. It has sustained a bombing campaign against civilian targets, even international aid sites in southern Sudan; and many of us have seen the photographs from constituents of ours who have gone over to try to help and have taken pictures of the sites of international aid camps, of towns, of villages that have been hit by helicopter gunships, that have been shelled, that have been burned.

This is a government in the past that has supported slavery, and I think the Sudan Peace Act rightly condemns the government of Sudan for its abysmal human rights record, while recognizing that human rights violations occur on all sides of this conflict.

It threatens punitive measures against the Sudanese government unless that government is constructively engaged in the ongoing peace process, and this legislation also takes the step of calling on the Secretary of State to collect information about incidences that may constitute crimes against humanity, genocide, war crimes, and other such violations of international law.

I would like to note that in the previous session of Congress the House had passed a resolution labeling the Khartoum's government's acts as genocide. It is important to build the record.

This Act commends the efforts also of Senator John Danforth, the special presidential envoy to Sudan, to end this long-running conflict. It recognizes that the U.S. must play a critical role in promoting peace in Sudan, a reality I believe that this administration understands.

This legislation makes a resource commitment to build civil institutions and assist suffering people in the south of Sudan; and, in these ways, the Sudan Peace Act is Congress' way of bolstering the administration's peace push in Sudan. That is why I urge passage.

Ms. WATSON of California. Mr. Speaker, I yield 7 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentlewoman from California for yielding me the time and for working on this bill and certainly the gentleman from New Jersey for his continuous work on this bill.

I come to the floor to support the bill but with the deepest of reservations. My reservations, of course, flow from the fact that the engine that drove the bill that passed overwhelmingly in this House has simply been removed, and that, of course, was denial of access to capital markets in order to get at the very oil that drives the economy of Sudan.

I regret that the gentleman from New Jersey (Mr. PAYNE) could not be here. It is a Monday when he usually would not be in town. He and I in April, 2000, came to the floor in a special order at a time when the only record of concern in the House was a joint resolution, passed overwhelmingly in the House and Senate, condemning the various atrocities in Sudan, and I am very pleased to see how this House has embraced the notion that resolutions are not enough. Action is all that counts when people live under the kind of oppression that is pervasive in Sudan, and the kind of oppression we are talking about is almost unspeakable.

It is a litany, a compendium of violations of human rights that is unknown in most parts of the world today, slavery, genocidal war, bombings of humanitarian workers, forced conversion of Christians and animists to Islam. It would be pretty difficult to find a compendium of worse violations in any single country.

In this House, a new caucus has been formed under chairmanship of the gentleman from New Jersey (Mr. PAYNE) and the gentleman from Virginia (Mr. WOLF). All I can say for this bill is that it is better than nothing. That is just how disappointed I am. It at least puts the United States Congress in the picture for the first time.

The original Act, of course, tried to do something that had not been done before. If ever it was to be, then surely it was to be now when, in fact, already our corporations cannot do business in Sudan, and yet they can come here and get the capital to do business in Sudan, and to the credit of this House, this House had the strong bill. It is in the Senate where this bill was so injured, and the bill does have provisions worth noting.

Our government is strongly on record that if these efforts now finally under way toward negotiations for peace do not succeed that the United States Government would break our diplomatic ties, and we would attempt to cut off IMF, World Bank money. There is a little bit of irony in that. We cannot cut off the capital markets, but we can cut off the money that goes presumably to the people at the bottom. They do not get any of that money I do not think, but, obviously, the bill is trying to do something to indicate just how displeased the United States Government is with all of this, $100 million over 3 years, the State Department investigation of war crimes in Sudan. The more we are on the record, the more this Congress and the administration is clear where we stand, the closer we will get to some meaningful action.

I am very concerned about all I hear about the continuing suffering of people in Sudan, the notion that so many of these southern Sudanese have now come to the north just because they cannot live in the south anymore. I want to quote from one southerner, ''We either live in the south where there is fighting or starvation or we live in the north where there is discrimination and displacement camps. There is no good choice.''

That is no choice at all, of course, and yet 40 percent of Khartoum consists now of southerners, southern Sudanese who, of course, work in the jobs that are at the bottom. That is not the worst of it, by any means. Working in a job at all, I am sure, given what these people have gone through, is all to the good.

□ 1645

The relief camps to which the southern Sudanese have been forced do not get any services from the government. I do not know what we would do without the nongovernmental organizations. I am very pleased that the President did send an envoy, former Senator Danforth, a good friend of mine, a former law school classmate, an Episcopal priest, a man who means it.

Of course, these talks are under way. They get under way and they get ununder way. We have had 19 years of civil war. I think Senator Danforth's efforts should be credited with having had something to do with these new talks that are under way. We have a so-called cessation of hostilities that comes on and then goes off. That is because it is not a cease-fire. A permanent cease-fire is what is on the agenda now. A permanent cease-fire is when you have some verification when one side or the other breaks the cease-fire.

This bill is not what those of us, including those who voted for this bill, the great majority of the Members, wished. It is all we can get. I can with great disappointment support this bill only if with all of the partners, with the new Sudanese Caucus, we pledge to keep pressing to find a real way to have a real effect in Sudan. I thank the gentleman from New Jersey, and I thank all of those on my side who have worked so hard on this bill for keeping it alive and for continuing to press forward.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Virginia (Mr. WOLF), chairman of the appropriations Subcommittee on Commerce, Justice, State and Judiciary, a leader on Sudanese human rights issues, has been to Sudan four times, and a great believer and champion in the causes of freedom and democracy.

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

Mr. WOLF. Mr. Speaker, also keep in mind that Osama bin Laden, the source of terrorism, lived in Sudan from 1991 to 1996.

I rise in strong support of H.R. 5531, the Sudan Peace Act, that will be helpful in promoting a just peace in war-ravaged Sudan. The war in Sudan has been monumental. Over 2 million people, mainly Christians, but some Muslims, have been killed during the last 20 years. The people of southern Sudan have borne the brunt of the pain, death and destruction of the war while frankly the rest of the world stood by and watched. The southerners have been the victims of the Government of Sudan's intentional and indiscriminate aerial bombing attacks. Government planes have repeatedly dropped bombs on southern civilian population centers, hospitals and international humanitarian offices. Innocent men, women and children have been blown apart for no reason except that they live in southern Sudan.

The Khartoum regime, which welcomed Osama bin Laden, has routinely used food aid as a weapon in its war with the southern-led opposition, repeatedly denying much-needed humanitarian and medical assistance to millions of its own countrymen. The Khartoum regime has recently yet again, just a couple of days ago, shut down the primary and largest international humanitarian effort in Sudan, Operation Lifeline Sudan, cutting off Sudan's airspace of virtually all flights into southern Sudan. This shutdown has resulted in the denial of much-needed food and medical assistance to millions of the suffering and needy.

Oil, as the gentleman from New Jersey said, in southern Sudan is being exploited by the Sudanese Government resulting in a scorched Earth, death and destruction. Attacks occur on sleeping villages by Russian-built, government-flown attack helicopter gunships that ride along the route of the pipeline and literally just gun down the women and the children. Posses come in and raid and kill the men, rape the women, and take the children away.

The government has also used army soldiers on foot to attack sleeping villages early, early in the morning. A humanitarian-aid worker interviewed several survivors of these attacks reporting on one attack on three villages where more than 6,000 Christian farmers live, located on the border between the Southern Blue Nile and Eastern Upper Nile in Sudan:

"The government set up the attack overnight so that the inhabitants were killed at dawn as the village awakened. The solders reportedly used .50 caliber machine guns, assault rifles and other heavy caliber automatic weapons. Children were gunned down as they ran away, and many wives last saw their husbands attacking the machine gun emplacements with axes, machetes and hoes in order to buy time for their wives to escape. Those women who made it to freedom then walked more than 10 days through the bush, with only trees to eat, in order to reach the safety of a friendly village compound in the Eastern Upper Nile. They were severely malnourished, so much so that they could not provide their infants with any breast milk. There were no SPLA soldiers stationed in the three villages." So they were bombing and killing civilians.

This legislation rightly condemns the Government of Sudan for condoning slavery. There is slavery in Sudan; and the world, other than the United States and a few others, has just sat by and done absolutely positively nothing.

In closing, in summary, I want to thank a number of the Members that have really been involved: the gentleman from Colorado (Mr. TANCREDO); the gentleman from New Jersey (Mr. PAYNE); the gentleman from Illinois (Mr. HYDE); the gentleman from California (Mr. LANTOS); the gentleman from New Jersey (Mr. SMITH), a champion of this bill working on human rights; the gentleman from Alabama (Mr. BACHUS), who took this issue on, who had a better bill than this bill but has pursued and pushed this; Senator BROWNBACK; the gentleman from California (Mr. ROYCE), chairman of the Subcommittee on Africa; Senator FRIST; the gentlewoman from the District of Columbia (Ms. NORTON); and others who have been so active. I also want to thank, if it is not a violation of the rules, President Bush for taking a personal interest in this and as appointing the envoy, former Senator Danforth. I want to thank Secretary Powell and the people in the State Department that are working on this.

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

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that this debate be extended by 6 minutes, equally divided between myself and the gentlewoman from California (Ms. WATSON).

The SPEAKER pro tempore (Mr. PETRI). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield the balance of my time to the gentleman from Alabama (Mr. BACHUS), the chairman of the Subcommittee on Financial Institutions and Consumer Credit, who likewise has been indefatigable in promoting human rights and democracy in Sudan.

Mr. BACHUS. Mr. Speaker, today in Sudan people are given a simple choice. They are either told to embrace the state-sponsored faith or die. That is the choice. Many of them are dying. You have heard the numbers. Several of our Members have gone over there. They can identify with what is going on. They have seen it firsthand.

Can the American people identify with the tragedy that we know as Sudan? Yes, they can, because the same kind of hatred was directed at them on September 11 when 3,000 of our fellow Americans were killed by this same radical Islamic movement that basically said, If you don't agree with us, you're an infidel; and if you're an infidel, we'll kill you. That is what happened here on September 11. That is what is happening every day in Sudan.

I think Chuck Colson probably summarized it better on how Americans can imagine what is going on in Sudan:

> Now, imagine September 11 happening 666 times. Imagine 2 million Americans being killed by radical Islam. Then you will have an idea of what the citizens of southern Sudan have endured at the hands of the government in Khartoum.

That is right, 666 times. If September 11 happened another 666 times, we would have the number of innocent people that have been killed in Sudan; 4.5 million raped, brutalized, bombed, put in slavery. Yet it goes on and on.

Mr. Speaker, I commend the House. We offered a very strong bill which

would have helped put an end to this slaughter in Sudan. But I commend this bill; and I urge Members to vote for this bill, because we have to be practical. We cannot let the perfect be the enemy of the practical. This bill has a wonderful chance of passing today; it will go over to the Senate, I believe it will be passed in the Senate, and the President will sign it. And for the first time, there will be a link made officially between the genocide and the slaughter in Sudan and oil money. And what this legislation says, it gives President Bush if in 6 months peace negotiations are not proceeding, there is not a moving towards resolution, he can intervene to cut off the flow of money. The Sudanese Government has gone to Ukraine, they have bought helicopters, they have bought all sorts of weapons from Iran. We will cut off that oil money.

The tie between the genocide and oil is well established. The Washington Post, The New York Times, the Weekly Standard, the Birmingham News in my own home State, the Financial Times of London, they all say cut off the oil and you help cut off the slaughter. This bill is the first step in doing that.

I would like to commend the gentleman from New Jersey (Mr. SMITH). I would like to commend the gentlewoman from California (Ms. WATSON); ranking member, the gentleman from New Jersey (Mr. PAYNE). I would like to commend the gentleman from Colorado (Mr. TANCREDO), who is not here with us today. I would like to commend Senator BROWNBACK and Senator FRIST in the Senate for working on this. I too would like to commend President Bush. He recognized soon after he became President that we needed to end this slaughter in Sudan. He appointed Senator Danforth, and we are working our way towards that.

I will close simply by saying that the U.S. Holocaust Museum here in Washington, they for the first time in 60 years recognized Sudan and what is going on there as genocide and named Sudan as a country of conscience and said it must be ended. And it must. No wonder that Osama bin Laden found refuge in Sudan. It is because he and the government in Khartoum share the same twisted logic. With a vote for this bill today, we will begin to do what we can here today to end that slaughter.

Mr. LANTOS. Mr. Speaker, I rise in support of H.R. 5531—the Sudan Peace Act. I do so with some disappointment. The bill we consider today transmitted from the other body was stripped of its most potent provisions—full disclosure requirement and potential capital market sanctions for corporations doing business in Sudan and thereby contributing to the suffering of the people of southern Sudan.

The United States delegation in Khartoum, ably led be former Senator John Danforth, has made tremendous strides in settling this conflict in recent months, even bringing the warring parties to the negotiating table in Machakos, Kenya. But as diplomats talks, the assaults on civilians in the rich oil-producing areas continue. This is appalling. The National Islamic Front leaders in Khartoum have mastered the art of putting a good face on bad faith negotiations—and the removal of capital market sanctions provisions from this bill allows them to continue this deadly ruse with impunity. Had the other body approved the House version of the Sudan Peace Act and preserved these punitive provisions, I believe this could have dealt a major blow to Khartoum's ambitions to dominate and impose sharia religious law on the people of the South.

Sudan is suffering through the longest running civil war in the world, contributing to the displacement, depravation and death of millions of Sudanese. It is estimated that more than two million Sudanese have died from war-related causes since 1983. An estimated four million Sudanese are internally displaced, with two million living in squatter areas of Khartoum. More than three million Sudanese will require emergency food aid this year, according to the World Food Program. Famine is a constant.

Desite recent peace efforts, the devastating attacks on southern civilians have continued. Aid agencies in southern Sudan reported that, in September 2002 alone, government bombing in several key regions killed over 32 people including a 13-year old boy, four small children, and a family of six. These killings do not even include all bombing incidents during the September war.

Khartoum has been helpful to the U.S. government in tracking down Al Qaeda operatives and its financial assets, and through its cooperation to combat terrorism, has gained greater prominence with the U.S. Nevertheless, Khartoum's cooperation has been accompanied by continued bombardment of the southern Sudanese people who simply yearn to live freely.

Khartoum's actions raise doubts about it's honest commitment to peace. Last month, the Sudanese government walked away from the Intergovernmental Authority for Development (IGAD)-sponsored Machakos negotiations in Kenya after accusing the Sudanese People's Liberation Army (SPLA) of engaging in offensive military activity. Indeed, in retaliation to government bombings and ground offensives in Western Upper Nile, the SPLA captured Torit, the capital of Eastern Equatoria.

Despite its shortcomings, the Sudan Peace Act does contain a number of helpful provisions. This new bill authorizes $3 million per year over three years to help build civil institutions in non-government controlled areas and community services in health and education. It also includes a certification program whereby the President is obliged to certify in six-month intervals whether the Sudanese government and Sudanese People's Liberation Movement are negotiating peace in good faith.

It is necessary that we live up to the terms of the Danforth Report and in particular reinforce all efforts to protect civilians from harm. In addition to the provisions of this legislation, I strongly urge the President to add immediately a human rights monitoring component to the U.S. Civilian Protection Monitoring Team based in Khartoum and human rights monitors in the Nuba Mountains to monitor the ceasefire and access of humanitarian organizations to the Nuba people. We are at a critical stage in Sudan's terrible civil war.

Mr. Speaker, I would like to express my appreciation for the fine work of my staffer, Dr. Pearl Alice Marsh, who through her exceptional knowledge of African affairs made a substantial and important contribution to this bill.

If the peace talks are allowed to fail, then millions more Sudanese will face destruction. We may witness the prospect of yet another decade of civil war. We cannot let this happen. I hope the initiatives that will come out of H.R. 5531 will move Sudan toward true peace. If this fails, the U.S. government will be required to consider taking more serious actions toward Khartoum.

Mr. PAYNE. Mr. Speaker, I rise in strong support of the Sudan Peace Act. In June 2001, the House passed H.R. 2052, the Sudan Peace Act, 422–2 with a capital market sanctions provision. If passed by the Senate, the legislation would have denied foreign oil companies currently in Sudan access to our capital markets. Unfortunately, the some Senators opposed to this provision stalled the process, effectively preventing action on the bill.

We had to act to salvage this important legislation. Left with no choice, we decided to drop the capital market sanction provision in exchange for other punitive measures and increased funding for the needy in Sudan. This was not an easy decision for many of us and for those in the Sudan coalition, who fought hard for several years to pass this legislation. We concluded that it was important to have something that is meaningful and constructive than nothing at all.

H.R. 5531 is a compromise legislation accepted by all those concerned. H.R. 5531: Condemns the Government of Sudan for its wanton disregard for human rights, including the enslaving of its people and use of food as a weapon; Authorizes $100 million for each fiscal year 2003, 2004, and 2005. These funds will help prepare the people of Sudan for peace, provide much needed support in education, health care, and communication infrastructure; Calls for immediate and sweeping reform of Operation Lifeline Sudan, the United Nations-led humanitarian operation. The OLS has been consistently manipulated and undermined by the NIF regime; and Directs the President to certify in six months, after the enactment of this Act, whether the NIF government is negotiating in good faith. If the President certifies that the Government is NOT negotiating in good faith, then the President shall impose a series of sanctions, including: Downgrading of diplomatic relations, An arms embargo resolution at the United Nations Security Council, and Measures to deny use of oil revenues.

Mr. Speaker, let me be very clear. The intent of Congress and this legislation is to put pressure on the government of Sudan to negotiate in good faith and conclude a just peace within six months. The Congress expects that if there is no peace agreement within six months of this Act and that the SPLM is not negotiating in bad faith, we expect the President to impose the sanctions outlined in this legislation. It is not our intent to simply

become recipients of incomplete, inconsistent, and vague certification by the President.

Mr. Speaker, for almost four decades, Sudan has been the scene of intermittent conflict. Of course, many have heard by now the number of people killed in the Sudan conflict. But how many people have really paid careful attention to these numbers. An estimated two million people have died from war-related causes and famine in southern Sudan, and four million have been displaced.

Why these many people have to die? Could we have done something to prevent the massive loss of life in Sudan. Indeed, the answer is a resounding yes. But we chose to ignore it or engage marginally. We are the largest provider of humanitarian assistance in Sudan, yet many continue to die. In 1998 alone, an estimated 100,000 people died due to government refusal to allow United Nations relief aid from going into the country.

Indeed, Mr. Speaker, some have written and others have talked about this tragedy as either a religious conflict or tribal conflict. The Sudanese conflict, Africa's longest-running civil war, is deeper and more complicated than the claims of political leaders and some observers. Religion, indeed, is a major factor because of the Islamic fundamentalist agenda of the current government, dominated by the northern-based National Islamic Front (NIF) government. Southerners, who are Christian and animist, reject the Islamization of the country and favor a secular arrangement. Social and economic disparities are also major contributing factors to the Sudanese conflict.

But this regime is not merely opposed by Christians or southerners. The NIF regime is a minority government led by extremist clique in Khartoum. Muslim leaders have also been victims of the NIF over the years and are clearly opposed by the majority of northerners inside and outside the country. The National Democratic Alliance, a coalition of northern and southern opposition groups, has been actively challenging NIF's hold to power since it ousted the democratically elected civilian government in June 1989. In fact, the NIF came to power precisely to abort a peace agreement between the Sudan People's Liberation Movement (SPLM) and the major northern parties in 1989.

Mr. Speaker, it is unfortunate, but a sad reality that Slavery has reemerged with a vengeance in Sudan, and this inhuman practice is directly tied to the civil war in Southern Sudan that has raged intermittently for over forty years. The enslavement of innocent Southern Sudanese civilians has intensified since the National Islamic Front usurped power in 1989. It is now being condoned, if not orchestrated, by the NIF government and perpetrated by its Arab militia allies. The international community has done little, if anything, to prevent this abhorrent practice.

Mr. Speaker, the war in Sudan is certainly a major factor contributing to the increase in slavery in Sudan. The war is essentially one of Southern resistance against domination and assimilation by the National Islamic Front government. With religion as an aggravating factor, the war has become a genocidal zero-sum conflict. At the core of this problem is a conflict of identities in which the assimilation or elimination of the non-Arab and non-Muslim population has increasingly become the objective of the Government.

The prevalence of slavery in Sudan constitutes a serious challenge not only to the Sudanese themselves, but also to the international community.

LET US REMEMBER THE VICTIMS

The innocent civilians are the victims in this war. Just the other day, the NIF government declared a jihad, intensifying its aerial bombardment of the south. Who are those being bombed, of course, the children and the helpless. According to the report by U.S. Committee for Refugees, the government bombed civilian targets 167 times in 2000 alone.

Mr. Speaker, we are well aware of the number of people killed, maimed, displaced, and enslaved. Yet, we, as members of the international community have failed to do the right thing: End the suffering.

Over the years, I have visited Sudan a number of times. In all these visits, I, like many others, promised to do all I can to end their suffering. I must say with all sincerity that I can no longer see these innocent civilians and promise to end their suffering. I must admit, despite all our efforts, we failed the people of Sudan as we did when a million people got massacred in Rwanda in 1994.

We cannot say we did not know. As I speak here before you, more people will die, dozens will be forcefully displaced, and many others will be enslaved. Just imagine, waking up one morning and you lose everything you have—your property, dignity, family, and most important—your freedom.

Mr. Speaker, we cannot afford to wait any longer. The people of south Sudan have become an endangered species—a few years from now, there will be one left except the barren land. In the past several weeks, government forces burned, looted, and destroyed a number of villages, displacing tens of thousands of civilians.

Those who beat the drum of reconciliation must remember the sacrifices paid by the millions of Sudanese. There can be no peace if it is not a just and lasting peace. Indeed, ending the war must be a priority. But we must address the root causes of the war if we are to achieve a lasting peace. H.R. 5531 is a token measure to address these problems. I urge my colleagues to vote for this measure.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H.R. 5531, the Sudan Peace Act. I would like to acknowledge the vital role that Representative PAYNE and other Members of the Congressional Black Caucus played in the development of this legislation.

H.R. 5331, while not perfect, represents an important step forward on the road to peace for Africa's longest civil war that has already killed more than 2 million people and displaced more than 4 million. I am disappointed that the capital market sanctions of the original Sudan Peace Act were stripped from this legislation. However, the bill before us today makes the express link between oil and the Government of Sudan's intention to use future revenues to expand the war into areas beyond its control. The legislation replaces the capital market sanctions with a certification process that instructs the President to certify whether the Government of Sudan is making progress towards peace. If the Government of Sudan is at fault for obstructing peace negotiations, the President is instructed to pursue multilateral sanctions through the United Nations. While I would have preferred to see the sanctions in the original bill remain in place, an important compromise has been reached that enables this legislation to move forward.

Most importantly, the Sudan Peace Act authorizes $300 million over three years for assistance to the people of southern Sudan. These funds, if appropriated, will lay the groundwork for peace and democratic governance, by including support for civil administration, communication infrastructure, education, health, and agriculture.

H.R. 5531 maintains the pressure on warring parties to resolve their conflict, demonstrates the continued interest of the United States in finding a lasting peace in this troubled nation, and provides desperately needed assistance for the people of southern Sudan. I urge my colleagues to support this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 5531, as amended.

The question was taken.

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

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RUSSIAN DEMOCRACY ACT OF 2002

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2121) to make available funds under the Foreign Assistance Act of 1961 to expand democracy, good governance, and anti-corruption programs in the Russian Federation in order to promote and strengthen democratic government and civil society in that country and to support independent media.

The Clerk read as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Russian Democracy Act of 2002''.

SEC. 2. FINDINGS AND PURPOSES.

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

(1) Since the dissolution of the Soviet Union, the leadership of the Russian Federation has publicly committed itself to building—

(A) a society with democratic political institutions and practices, the observance of universally recognized standards of human rights, and religious and press freedom; and

(B) a market economy based on internationally accepted principles of transparency, accountability, and the rule of law.

(2) In order to facilitate this transition, the international community has provided multilateral and bilateral technical assistance, and the United States' contribution to these efforts has played an important role in developing new institutions built on democratic and liberal economic foundations and the rule of law.

(3)(A) Since 1992, United States Government democratic reform programs and public diplomacy programs, including training, and small grants have provided access to and training in the use of the Internet, brought nearly 40,000 Russian citizens to the United States, and have led to the establishment of more than 65,000 nongovernmental organizations, thousands of independent local media outlets, despite governmental opposition, and numerous political parties.

(B) These efforts contributed to the substantially free and fair Russian parliamentary elections in 1995 and 1999.

(4) The United States has assisted Russian efforts to replace its centrally planned, state-controlled economy with a market economy and helped create institutions and infrastructure for a market economy. Approximately two-thirds of the Russian Federation's gross domestic product is now generated by the private sector, and the United States recognized Russia as a market economy on June 7, 2002.

(5)(A) The United States has fostered grassroots entrepreneurship in the Russian Federation by focusing United States economic assistance on small- and medium-sized businesses and by providing training, consulting services, and small loans to more than 250,000 Russian entrepreneurs.

(B) There are now more than 900,000 small businesses in the Russian Federation, producing 12 to 15 percent, depending on the estimate, of the gross domestic product of the Russian Federation.

(C) United States-funded programs have contributed to fighting corruption and financial crime, such as money laundering, by helping to—

(i) establish a commercial legal infrastructure;

(ii) develop an independent judiciary;

(iii) support the drafting of a new criminal code, civil code, and bankruptcy law;

(iv) develop a legal and regulatory framework for the Russian Federation's equivalent of the United States Securities and Exchange Commission;

(v) support Russian law schools;

(vi) create legal aid clinics; and

(vii) bolster law-related activities of nongovernmental organizations.

(6) Because the capability of Russian democratic forces and the civil society to organize and defend democratic gains without international support is uncertain, and because the gradual integration of the Russian Federation into the global order of free-market, democratic nations would enhance Russian cooperation with the United States on a wide range of political, economic, and security issues, the success of democracy in Russia is in the national security interest of the United States, and the United States Government should develop a far-reaching and flexible strategy aimed at strengthening Russian society's support for democracy and a market economy, particularly by enhancing Russian democratic institutions and education, promoting the rule of law, and supporting Russia's independent media.

(7) Since the tragic events of September 11, 2001, the Russian Federation has stood with the United States and the rest of the civilized world in the struggle against terrorism and has cooperated in the war in Afghanistan by sharing intelligence and through other means.

(8) United States-Russia relations have improved, leading to a successful summit between President Bush and President Putin in May 2002, resulting in a ''Foundation for Cooperation''.

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

(1) to strengthen and advance institutions of democratic government and of free and independent media, and to sustain the development of an independent civil society in the Russian Federation based on religious and ethnic tolerance, internationally recognized human rights, and an internationally recognized rule of law; and

(2) to focus United States foreign assistance programs on using local expertise and to give local organizations a greater role in designing and implementing such programs, while maintaining appropriate oversight and monitoring.

SEC. 3. UNITED STATES POLICY TOWARD THE RUSSIAN FEDERATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should—

(1) recognize that a democratic and economically stable Russian Federation is inherently less confrontational and destabilizing in its foreign policy and therefore that the promotion of democracy in Russia is in the national security interests of the United States; and

(2) continue and increase assistance to the democratic forces in the Russian Federation, including the independent media, regional administrations, democratic political parties, and nongovernmental organizations.

(b) STATEMENT OF POLICY.—It shall be the policy of the United States—

(1) to facilitate Russia's integration into the Western community of nations, including supporting the establishment of a stable democracy and a market economy within the framework of the rule of law and respect for individual rights, including Russia's membership in the appropriate international institutions;

(2) to engage the Government of the Russian Federation and Russian society in order to strengthen democratic reform and institutions, and to promote transparency and good governance in all aspects of society, including fair and honest business practices, accessible and open legal systems, freedom of religion, and respect for human rights;

(3) to advance a dialogue among United States Government officials, private sector individuals, and representatives of the Government of the Russian Federation regarding Russia's integration into the Western community of nations;

(4) to encourage United States Government officials and private sector individuals to meet regularly with democratic activists, human rights activists, representatives of the independent media, representatives of nongovernmental organizations, civic organizers, church officials, and reform-minded politicians from Moscow and all other regions of the Russian Federation;

(5) to incorporate democratic reforms, the promotion of independent media, and economic reforms in a broader United States dialogue with the Government of the Russian Federation;

(6) to encourage the Government of the Russian Federation to address, in a cooperative and transparent manner consistent with internationally recognized and accepted principles, cross-border issues, including the nonproliferation of weapons of mass destruction, environmental degradation, crime, trafficking, and corruption;

(7) to consult with the Government of the Russian Federation and the Russian Parliament on the adoption of economic and social reforms necessary to sustain Russian economic growth and to ensure Russia's transition to a fully functioning market economy and membership in the World Trade Organization;

(8) to persuade the Government of the Russian Federation to honor its commitments made to the Organization for Security and Cooperation in Europe (OSCE) at the November 1999 Istanbul Conference, and to conduct a genuine good neighbor policy toward the other independent states of the former Soviet Union in the spirit of internationally accepted principles of regional cooperation; and

(9) to encourage the G–8 partners and international financial institutions, including the World Bank, the International Monetary Fund, and the European Bank for Reconstruction and Development, to develop financial safeguards and transparency practices in lending to the Russian Federation.

SEC. 4. AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.

(a) IN GENERAL.—

(1) DEMOCRACY AND RULE OF LAW.—Section 498(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295(2)) is amended—

(A) in the paragraph heading, by striking ''DEMOCRACY'' and inserting ''DEMOCRACY AND RULE OF LAW'';

(B) by striking subparagraphs (E) and (G);

(C) by redesignating subparagraph (F) as subparagraph (I);

(D) by inserting after subparagraph (D) the following:

''(E) development and support of grass-roots and nongovernmental organizations promoting democracy, the rule of law, transparency, and accountability in the political process, including grants in small amounts to such organizations;

''(F) international exchanges and other forms of public diplomacy to promote greater understanding on how democracy, the public policy process, market institutions, and an independent judiciary function in Western societies;

''(G) political parties and coalitions committed to promoting democracy, human rights, and economic reforms;

''(H) support for civic organizations committed to promoting human rights;''; and

(E) by adding at the end the following:

''(J) strengthened administration of justice through programs and activities carried out in accordance with section 498B(e), including—

''(i) support for nongovernmental organizations, civic organizations, and political parties that favor a strong and independent judiciary;

''(ii) support for local organizations that work with judges and law enforcement officials in efforts to achieve a reduction in the number of pretrial detainees; and

''(iii) support for the creation of legal associations or groups that provide training in human rights and advocacy, public education with respect to human rights-related laws and proposed legislation, and legal assistance to persons subject to improper government interference.''.

(2) INDEPENDENT MEDIA.—Section 498 of the Foreign Assistance Act of 1961 (22 U.S.C. 2295) is amended—

(A) by redesignating paragraphs (3) through (13) as paragraphs (4) through (14), respectively; and

(B) by inserting after paragraph (2) the following:

''(3) INDEPENDENT MEDIA.—Developing free and independent media, including—

''(A) supporting all forms of independent media reporting, including print, radio, and television;

''(B) providing special support for, and unrestricted public access to, nongovernmental Internet-based sources of information, dissemination and reporting, including providing technical and other support for web radio services, providing computers and other necessary resources

for Internet connectivity and training new Internet users in nongovernmental civic organizations on methods and uses of Internet-based media; and

''(C) training in journalism, including investigative journalism techniques that educate the public on the costs of corruption and act as a deterrent against corrupt officials.''.

(b) CONFORMING AMENDMENT.—Section 498B(e) of such Act is amended by striking ''paragraph (2)(G)'' and inserting ''paragraph (2)(J)''.

SEC. 5. ACTIVITIES TO SUPPORT THE RUSSIAN FEDERATION.

(a) ASSISTANCE PROGRAMS.—In providing assistance to the Russian Federation under chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.), the President is authorized to—

(1) work with the Government of the Russian Federation, the Duma, and representatives of the Russian Federation judiciary to help implement a revised and improved code of criminal procedure and other laws;

(2) establish civic education programs relating to democracy, public policy, the rule of law, and the importance of independent media, including the establishment of ''American Centers'' and public policy schools at Russian universities and encourage cooperative programs with universities in the United States to offer courses through Internet-based off-site learning centers at Russian universities; and

(3) support the Regional Initiatives (RI) program, which provides targeted assistance in those regions of the Russian Federation that have demonstrated a commitment to reform, democracy, and the rule of law, and which promotes the concept of such programs as a model for all regions of the Russian Federation.

(b) RADIO FREE EUROPE/RADIO LIBERTY AND VOICE OF AMERICA.—RFE/RL, Incorporated, and the Voice of America should use new and innovative techniques, in cooperation with local independent media sources and using local languages as appropriate and as possible, to disseminate throughout the Russian Federation information relating to democracy, free-market economics, the rule of law, and human rights.

SEC. 6. AUTHORIZATION OF ASSISTANCE FOR DEMOCRACY, INDEPENDENT MEDIA, AND THE RULE OF LAW.

Of the amounts made available to carry out the provision of chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.) and the FREEDOM Support Act for fiscal year 2003, $50,000,000 is authorized to be available for the activities authorized by paragraphs (2) and (3) of section 498 of the Foreign Assistance Act of 1961, as amended by section 4(a) of this Act.

SEC. 7. PRESERVING THE ARCHIVES OF HUMAN RIGHTS ACTIVIST AND NOBEL PEACE PRIZE WINNER ANDREI SAKHAROV.

(a) AUTHORIZATION.—The President is authorized, on such terms and conditions as the President determines to be appropriate, to make a grant to Brandeis University for an endowment for the Andrei Sakharov Archives and Human Rights Center for the purpose of collecting and preserving documents related to the life of Andrei Sakharov and the administration of such Center.

(b) FUNDING.—There is authorized to be appropriated to the President to carry out subsection (a) not more than $1,500,000.

SEC. 8. EXTENSION OF LAW.

The provisions of section 108(c) of H.R. 3427, as enacted by section 1000(a)(7) of Public Law 106–113, shall apply to United States contributions for fiscal year 2003 to the organization described in section 108(c) of H.R. 3427.

Amend the title so as to read: ''An Act to make available funds under the Foreign Assistance Act of 1961 to expand democracy, good governance, and anti-corruption programs in the Russian Federation in order to promote and strengthen democratic government and civil society and independent media in that country.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentlewoman from California (Ms. WATSON) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

GENERAL LEAVE

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

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

There was no objection.

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

This bill, the Russian Democracy Act, ensures that American assistance will continue to be available to help strengthen and consolidate democracy in the Russian Federation. While this seems to be a routine measure, we should take a few minutes to note what this bill represents. The mere fact that we can talk of democracy in Russia as a reality in the present and not some dim prospect in the hazy future is one of the many wonders of the past decade that have grown familiar and now is largely taken for granted. Its existence, however, is a testament to the deep commitment to fundamental values shared by peoples all over the world.

Mr. Speaker, this bill before us represents an important part of the effort to continue that democratization. It focuses our attention and assistance on many of the prerequisites of a free and a prosperous society, including the creation of a resilient civil society, the strengthening of an independent press, and the establishment of the rule of law.

□ 1700

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

Ms. WATSON of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this legislation. I would like to acknowledge the fine work of the ranking member, the gentleman from California (Mr. LANTOS), the author of the legislation, who unfortunately cannot be on the House floor today for this debate. Appreciation also goes to our colleagues in the other body for moving this legislation through the committee and onto the floor. I would also like to thank the gentleman from Illinois (Chairman HYDE) of the Committee on International Relations for his consistent support of this legislation.

Ten years ago the U.S. Congress passed a historic act, the Freedom Support Act, which paved the way for the task of promoting democracy and market economy in the countries of the former Soviet Union. Today, in the post-September 11 world, we are still concerned about the Russian nuclear arsenal, but we do not fear that the government of Russia will use it against us because Russia has become more democratic and our foreign policy interests are more congruent.

However, it has become clear to me and many of my colleagues that the process of democratization in Russia is not complete. For example, President Putin last week revoked a decree that has permitted the RFE/RL to maintain a bureau in Moscow. This decision was shortsighted and counterproductive. For these reasons, we must craft a creative and responsible policy towards Russia that strengthens a democratic society and a market economy.

I strongly believe that the existence of a vibrant, self-sustaining, non-State-owned media in Russia is the key to Russia's continuous integration with the West. This bill will support such media activities, including access to the Internet and the use of modern technologies to improve media outreach throughout Russia.

The Russian NGO sector also needs our support. Russia does not yet have a culture of corporate philanthropy and private donations to make these NGOs self-sustaining. On the other hand, the abundance of NGOs that have sprung up in Russia since 1991 provides an important democratic component to that society.

So the bill before the House today, H.R. 2121, can promote this process and enhance the U.S.-Russia bilateral relationship by focusing U.S. assistance on the development of a civil society in Russia and a free and independent media.

I am also pleased that the bill includes an important provision to provide for an endowment to preserve the Andrew Sakharov archives. Without Mr. Sakharov's contributions to peace, human rights and democracy, the unprecedented change that took place in Russia in the last decade of the previous century would never have happened.

Given the importance of these documents to the study of the transition from tyranny to democracy in Russia and, by extension, to other countries around the world, the gentleman from California (Mr. LANTOS) and I believe it would be inappropriate for funds from the Foreign Assistance Act to be used for this noble undertaking.

The bill also contains an important provision on Burma human rights to make sure that the UNDP assistance to Burma is properly utilized. By funding the development of civil society in Russia and a free and independent media, H.R. 2121 can play an effective role in developing the U.S.-Russia bilateral relationship. Let us not squander this unprecedented opportunity to bring Russia closer to the West. I urge Members to support H.R. 2121.

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

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

Mr. Speaker, first of all, I thank the gentlewoman for her fine remarks and leadership on this issue and the efforts of the gentleman from Illinois (Mr. HYDE) and especially to the gentleman from California (Mr. LANTOS), the ranking member, for crafting this important bipartisan legislation.

The creation of democracy in Russia must be counted as one of the great achievements of the past century. Yet for all of its accomplishments, that democracy is not yet firmly established. The civil society on which all democracies ultimately rest remains precariously weak. Much of the legacy inherited from Russia's authoritarian past is still to be overcome. The institutions of democracy remain fragile in many areas. The habits of freedom have not yet become universal.

Given these and other concerns, the government's stated goal of creating a guided democracy where the parameters of permitted dissent are significantly narrowed is very troubling indeed, as are the patterns of clear, gross and uncorrected human rights violations associated with the continuing conflict in Chechnya.

Mr. Speaker, you juxtapose these problems along with the trafficking problem, which remains a very significant problem where young Russian women are trafficked into forced prostitution and are abused in the United States and countries of the West as well as in Russia itself, we need to do more. This bill advances the ball and will be an aid to the democratic forces in Russia. It is a good bill and deserves the support of our colleagues.

Mr. LANTOS. Mr. Speaker, I rise today in strong support of H.R. 2121, the Russia Democracy Act, and thank the co-sponsors of this bill for their support. In drafting this legislation, I sought to enhance United States democracy, good governance and anti-corruption efforts in order to strengthen civil society and independent media in Russia. Cultivating civil society in Russia and knitting together its patch-work democracy is not only a goal of U.S. policy—it is an imperative. Unless we redouble our efforts to strengthen democratic reform in Russia—as this bill seeks to do—our former adversary may yet return to authoritarian rule and challenge our national security.

The Russia Democracy Act expands upon U.S. initiatives that have proven successful in Russia. Among other things, it provides further support for local democratic governments through the Regional Initiative; expands training for Russian journalists in investigative techniques designed to ferret our corruption; and it broadens successful U.S.-Russia cultural exchanges, such as those sponsored by the Library of Congress.

As Russia becomes more democratic and our foreign policies become more closely aligned in the war against international terrorism, it is important that the U.S. seize upon the opportunity to facilitate Russia's integration into the West. The Russia Democracy Act is designed to achieve this goal. This bill launches a number of initiatives to take advantage of new developments in Russian society over the past decade, and harnesses new information technologies to provide Internet access to Russian citizens, independent media and NGOs. And it engages the growing network of local, independent media outlets to spread democratic principles working in partnership with such stalwarts of democracy as Radio Liberty and Voice of America.

Deepening our engagement with Russia's civil society is critical to its survival. At the same time we must stand ready to defend against Moscow's attempts to undermine it. Following September 11th, President Putin made a courageous decision to make common cause with the Western democracies in defeating terrorism. But recent decisions by Putin to embrace Iraq, Iran and North Korea, and his continued attempt to intimidate free media in Russia, threatens to jeopardize our new partnership.

Just last week, President Putin revoked a decree issued by his predecessor that allowed Radio Liberty to establish a bureau in Russia and provided the broadcaster with certain privileges. Radio Liberty, which is supported in part by the U.S. government, may now be subject to Russia's restrictive media laws. The right of Radio Liberty to broadcast in Russia is no longer guaranteed. Although some in Russia argue that this was done to level the playing field for all broadcasters, the Putin Administration has been known to apply the law selectively, as the cases of NTV and Ekho Moskvy make clear. I condemn this decision, and urge my colleagues to join me in ensuring Radio Liberty does not suffer the fate of Russia's other independent news organizations.

Having lived under both fascist and communist rule, I am painfully aware of the importance of this legislation. As a teenager living in Hungary during the Second World War, I recall fondly the inspirational and liberating broadcasts of the Voice of America, and can testify personally to the dramatic effect these radio programs had in providing hope to a captive people. To keep Russia on track toward westward integration, surrogate broadcasting such as Radio Liberty is critical.

I am also pleased that the bill includes an important provision to provide for an endowment to preserve the Andrei Sakharov archives. Without Mr. Sakharov's contribution to peace, human rights, and democracy, the unprecedented change that took place in Russia in the last decade of the previous century would never have happened. These documents are important not only to study the transition from tyranny to democracy in Russia, but will also help activists and scholars from countries around the world understand how a society moves from bondage to freedom. Therefore, I welcome this provision, which authorizes a grant to Brandeis University for an endowment to support the archives and the related human rights center. I realize it is extraordinary for U.S. appropriated funds to be used to fund an endowment, where such funds can use interest earned from U.S. funds to support the program. However, because of the importance of these archives and this center, I believe it is appropriate in this case. Finally, because of the wide-ranging importance of these documents, I believe it would be appropriate for funds from the Foreign Assistance Act to be used for this noble undertaking.

I also note that the bill also contains a very important provision on Burma human rights that ensures that UNDP assistance to Burma is properly utilized, fully coordinated with the Burmese opposition and carried out only with NGO's.

I would also like to acknowledge the exceptional work of my staffer, Tanya Mazin, on this important legislation. Tanya's deep and personal knowledge of Russia and its people was critical to the success of Congressional consideration of the Russia Democracy Act.

Mr. Speaker, as a member of the U.S. Congress, I believe our interests and values demand that we cultivate civil society in Russia. It will not happen over night, but over time—with strong support form the United States and our democratic allies—I am confident it will. Passage of the Russia Democracy Act is a step in this direction, and a step I urge my colleagues to take.

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2121.

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

A motion to reconsider was laid on the table.

TRANSATLANTIC SECURITY AND NATO ENHANCEMENT RESOLUTION OF 2002

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 468) affirming the importance of the North Atlantic Treaty Organization (NATO), supporting continued United States participation in NATO, ensuring that the enlargement of NATO proceeds in a manner consistent with United States interests, and for other purposes, as amended.

The Clerk read as follows:

H. RES. 468

Resolved,

SECTION 1. SHORT TITLE.

This resolution may be cited as the ''Transatlantic Security and NATO Enhancement Resolution of 2002''.

SEC. 2. FINDINGS.

The House of Representatives makes the following findings:

(1) Since 1949 the North Atlantic Treaty Organization (NATO) has played an essential role in guaranteeing the security, freedom, and prosperity of the United States and its partners in the Alliance.

(2) NATO, founded on the principles of democracy, individual liberty, and the rule of law, has proved to be an indispensable instrument for forging a trans-Atlantic community of nations working together to safeguard the freedom and common heritage of its peoples and promoting stability in the North Atlantic area.

(3) NATO is the only institution that promotes a uniquely transatlantic perspective

and approach to issues concerning the security of North America and Europe and remains the only multilateral security organization demonstrably capable of conducting effective military operations and preserving security and stability of the Euro-Atlantic region.

(4) The security, freedom, and prosperity of the United States remain linked to the security of the countries of Europe.

(5) NATO remains the most visible and significant embodiment of United States engagement in Europe and therefore membership in NATO remains a vital national security interest of the United States.

(6) NATO enhances the security of the United States by providing an integrated military structure and a framework for consultations on political and security concerns of members which could impact the Alliance.

(7) The security of NATO member countries is inseparably linked to that of the whole of Europe, and the consolidation and strengthening of democratic and free societies on the entire continent is of direct and material importance to the NATO Alliance and its partners.

(8) The sustained commitment of the member countries of NATO to a mutual defense has been a major contributing factor in the democratic transformation of Central and Eastern Europe.

(9) Members of the Alliance can and should play a critical role in addressing the security challenges of the post-Cold War era and in creating the stable environment needed for Central and Eastern Europe to successfully complete political and economic transformation.

(10) NATO should remain the core security organization of the evolving Euro-Atlantic architecture in which all countries enjoy the same freedom, cooperation, and security.

(11) NATO's military force structure, defense planning, command structures, and force goals must be sufficient for the collective self-defense of its members, and should be capable of projecting power when the security of a NATO member is threatened, and provide a basis for ad hoc coalitions of willing partners among NATO members to defend common values and interests.

(12) NATO must act to address new post-Cold War risks emerging from outside the treaty area in the interests of preserving peace and security in the Euro-Atlantic area, including—

(A) risks from rogue states and non-state actors possessing nuclear, biological, or chemical weapons and their means of delivery;

(B) transnational terrorism and disruption of the flow of vital resources; and

(C) conflicts outside the treaty area stemming from unresolved historical disputes and the actions of undemocratic governments and sub-state actors who reject the peaceful settlement of disputes.

(13) All NATO members should commit to improving their respective defense capabilities so that NATO can project power decisively and sustain operations over distance and time.

(14) The requirements to provide collective defense, to project power, and to sustain operations dictate that European NATO members possess military capabilities to rapidly deploy forces over long distances, sustain operations for extended periods of time, and operate jointly with the United States in high-intensity conflicts.

(15) NATO's Defense Capabilities Initiative, which is intended to improve the defense capabilities of the European Allies, particularly the deployability, mobility, sustainability, and interoperability of Alliance forces, must continue to be pursued by all members of the Alliance in order to develop balanced capabilities.

(16) With a few exceptions, European members of NATO have been deficient in maintaining required military capabilities and providing defense spending at levels adequate to meet these capability shortfalls. Failure of the European NATO members to achieve the goals established through the Defense Capabilities Initiative could weaken support for the Alliance in the United States over the long term.

(17) Members of the Alliance must also recognize that the campaign against new and emerging threats to the security of the Alliance requires other non-military capabilities and efforts to be effective. Thus, the need to enhance intelligence-sharing and cooperation, both bilaterally between Alliance members and partners and within the Alliance collectively, the facilitation of enhanced coordination among Alliance member's law enforcement agencies, and improved police and judicial cooperation and information exchanges are critical to the overall effort.

(18) NATO has embarked upon an historic mission to share its benefits and patterns of consultation and cooperation with other nations in the Euro-Atlantic area through both enlargement and active partnership.

(19) NATO has enlarged its membership on four different occasions since 1949.

(20) The NATO summit meeting to be held in the fall of 2002 in Prague will provide an historic opportunity to chart a course for NATO in the new millennium by reaffirming the importance of NATO to the collective security of the Euro-Atlantic region, by addressing new threats, developing new capabilities, and by extending invitations to additional countries of Europe to become members of the Alliance.

(21) The governments of NATO member countries have stated that enlargement of the Alliance is a further step toward the Alliance's basic goal of enhancing security and extending stability throughout the Euro-Atlantic region.

(22) The enlargement process of NATO helps to avert conflict, because the very prospect of membership serves as an incentive for aspiring members to resolve disputes with their neighbors and to push ahead with reform and democratization.

(23) The Partnership for Peace, created in 1994 under United States leadership, has fostered cooperation between NATO and the countries of Central and Eastern Europe, and offers a path to future membership in the Alliance.

(24) At the Washington Summit of the NATO Alliance in April 1999, the NATO heads of state and government issued a communique declaring ''[we] pledge that NATO will continue to welcome new members in a position to further the principles of the [North Atlantic] Treaty and contribute to peace and security in the Euro-Atlantic area''.

(25) In 1999 NATO launched a Membership Action Plan designed to help interested Partnership for Peace countries prepare for membership by offering advice and assistance on programs and membership-related issues.

(26) The Membership Action Plan establishes certain political, economic, social, and military-related goals that aspiring candidate nations are expected to meet, including the peaceful resolution of territorial disputes, respect for democratic procedures and the rule of law, human rights, democratic control of the military and other military reforms, and a commitment to stability and well-being through economic liberty and social justice.

(27) In May 2000 in Vilnius, Lithuania, nine nations of Europe issued a statement (later joined by a tenth) declaring that their countries will cooperate in jointly seeking NATO membership in the next round of NATO enlargement and since then have taken concrete steps to demonstrate this commitment, including their participation in Partnership for Peace activities and their commitment to the concept of the Membership Action Plan.

(28) On June 15, 2001, in a speech in Warsaw, Poland, President George W. Bush stated ''[all] of Europe's new democracies, from the Baltic to the Black Sea and all that lie between, should have the same chance for security and freedom—and the same chance to join the institutions of Europe''.

(29) The enlargement of the NATO Alliance to include as full and equal members additional democracies in Europe will serve to reinforce stability and security in Europe by fostering their integration into the structures which have created and sustained peace in Europe since 1945.

(30) As new members of NATO assume the responsibilities of Alliance membership, the costs of maintaining stability in Europe will be shared more widely. The concurrent assumption of greater responsibility and development of greater capabilities by new members of NATO will further reinforce burdensharing.

(31) The membership of the Czech Republic, Hungary, and Poland has strengthened NATO's ability to perform the full range of NATO missions by providing bases, airfields, and transit rights for NATO forces during Operation Allied Force in the Balkans, by their contributions of military forces to NATO missions in Bosnia and Kosovo, and by their support for Operation Enduring Freedom.

(32) The Czech Republic, Hungary, and Poland, due to their similar recent history, have bolstered NATO's capability to integrate former communist nations into a community of democracies and have served as mentors to other countries that aspire to join NATO.

(33) In supporting NATO enlargement all candidate countries must be fully aware of the costs and responsibilities of NATO membership, including the obligation set forth in Article X of the North Atlantic Treaty that new members be able to contribute to the security of the North Atlantic area, and further to ensure that all countries admitted to NATO are capable of assuming those costs and responsibilities.

(34) For those candidate countries that receive an invitation to join NATO at the Prague Summit, the process of joining NATO does not end with the invitation but rather with meeting the full responsibilities of a NATO member, including the completion of issues identified by the Membership Action Plan, which will continue beyond Prague.

(35) In considering the enlargement of NATO at Prague and in issuing invitations to the candidate countries who have made significant progress toward achieving their objectives in the Membership Action Plan established by NATO, there is a recognition that each country invited to join NATO should accede on a common date but before the date on which the next announced NATO summit is to take place.

(36) The countries that will be invited to begin accession negotiations with NATO at the NATO summit in Prague should not be the last such countries invited to join NATO and there should be a continuing process and progress toward the admission of additional democracies in Europe beyond 2002 depending on the degree to which those countries meet the criteria set forth in NATO's Membership Action Plan.

(37) The process of NATO enlargement entails the consensus agreement of the governments of all 19 NATO member countries and ratification in accordance with their constitutional procedures.

SEC. 3. COOPERATION BETWEEN NATO AND THE RUSSIAN FEDERATION.

The House of Representatives makes the following findings:

(1) The admission into the North Atlantic Treaty Organization (NATO) of new members from countries in Eastern and Central Europe, such as the Czech Republic, Hungary, and Poland, will not threaten any other country.

(2) Since the end of the Cold War, NATO has attached particular importance to the development of constructive and cooperative relations with the Russian Federation in order to overcome remaining vestiges of confrontation and competition in order to strengthen mutual trust and cooperation between NATO and the Russian Federation.

(3) In 1994, building on previous efforts at cooperation, Russia joined the Partnership for Peace Program, further enhancing the emerging NATO-Russian Federation dialogue.

(4) On May 27, 1997, in an expression of strong commitment to work together to build a lasting and inclusive peace in the Euro-Atlantic area, the heads of state and government of NATO and the Russian Federation signed the ground-breaking ''Founding Act on Mutual Relations, Cooperation and Security Between NATO and the Russian Federation''.

(5) On March 18, 1998, the Russian Federation formally established its mission to NATO and appointed a senior military representative to facilitate military and defense-related cooperation between NATO and the Russian Federation.

(6) Since 1998, NATO and the Russian Federation have worked cooperatively with each other in the Balkans and elsewhere setting the stage for the ability of an enlarged NATO to continue the cooperative spirit embodied in the Founding Act.

(7) On May 28, 2002, in an historic step toward the Alliance's long-standing goal of building a secure, cooperative, and democratic Euro-Atlantic area, NATO took the decisive and substantial step of deepening the NATO-Russian Federation relationship by establishing the new NATO-Russia Council.

SEC. 4. UNITED STATES POLICY TOWARD NATO.

The House of Representatives declares the following to be the policy of the United States:

(1) The North Atlantic Treaty Organization (NATO) should remain the primary institution through which European and North American allies address security issues of transatlantic concern.

(2) The member states of NATO should reaffirm, at the Prague Summit in the fall of 2002, the continued importance of NATO, renew their commitment to strengthen the transatlantic partnership, reinforce unity within NATO, maintain a vigorous capability to carry out collective defense, and harmonize security policies and strategies for transatlantic affairs.

(3) At the Prague Summit, the Alliance, while maintaining collective defense as its core function, should as a fundamental Alliance task, continue to strengthen national and collective capacities to respond to new threats wherever such threats occur, including from abroad.

(4) The Alliance, in addition to the strategic concept adopted by the Allies at the summit meeting held in Washington in 1999, must recognize the need to develop new capabilities, and agree to consider acting upon the threats posed by the proliferation of weapons of mass destruction and terrorism by intensifying consultations among political and military leaders, and by developing comprehensive capabilities to counter these threats to the international community.

(5) The Alliance should make clear commitments to remedy shortfalls in areas such as logistics, strategic airlift, command and control, modern strike capabilities, adequate shared intelligence, and the other requirements identified by NATO's Defense Capabilities Initiative necessary to provide the ability to carry out the full range of NATO's missions.

(6) The Alliance must ensure a more equitable sharing of contributions to the NATO common budgets and to overall national defense expenditures and capability-building.

(7) The President, the Secretary of State, and the Secretary of Defense should fully use their offices to encourage the NATO allies to commit the resources necessary to upgrade their capabilities to rapidly deploy forces over long distances, sustain operations for extended periods of time, and operate jointly with the United States in high intensity conflicts, thus making such NATO allies more effective partners.

(8) The member states of NATO should commit to enhanced intelligence-sharing, law enforcement, police, and judicial cooperation, and expanded information exchanges within and among Alliance members in order to meet the challenges of new and emerging threats.

SEC. 5. POLICY WITH RESPECT TO THE RUSSIAN FEDERATION.

It is the sense of the House of Representatives that—

(1) while maintaining its essential and inherent right to make its own decisions, the North Atlantic Treaty Organization (NATO) should seek to strengthen its relations with the Russian Federation as an essential partner in building long-term peace in Europe, and to that end, the new NATO-Russia Council, in which member states and the Russian Federation will work as equal partners on mutually-agreed matters, should be welcomed and supported;

(2) while retaining its primary commitment to collective defense, NATO enlargement should be carried out in such a manner as to underscore to the Russian Federation that NATO enlargement will enhance the security of all countries in Europe, including the Russian Federation; and

(3) in seeking to demonstrate NATO's defensive and security-enhancing intentions to the Russian Federation, it is essential that neither fundamental United States security interests in Europe nor the effectiveness and flexibility of NATO as a defensive alliance be jeopardized.

SEC. 6. POLICY WITH RESPECT TO NATO ENLARGEMENT AND DESIGNATION OF COUNTRIES ELIGIBLE FOR NATO.

It is the sense of the House of Representatives that—

(1) at the Summit to be held in Prague in the fall of 2002, the North Atlantic Treaty Organization (NATO) should extend invitations for accession negotiations to any appropriate candidate country that meets the objectives and targets for NATO membership as outlined in the Membership Action Plan process established by NATO in 1999, including—

(A) a commitment to the basic principles and values set out in the Washington Treaty;

(B) the capability to contribute to collective defense and the Alliance's full range of missions; and

(C) a firm commitment to contribute to stability and security, especially in regions of crisis and conflict, and to be willing and able to assume the responsibilities of NATO membership;

(2) the candidate countries of Albania, Bulgaria, Croatia, Estonia, Latvia, Lithuania, the Former Yugoslav Republic of Macedonia, Romania, Slovakia, and Slovenia should be commended on the significant progress such countries have made thus far in political and economic liberty and military reform necessary for meeting the objectives for prospective members of NATO as set out in their own Membership Action Plans;

(3) each candidate country, despite recognized Membership Action Plan deficiencies requiring further refinement, could in its own way contribute to stability, freedom, and peace in Europe as a whole, as many of such countries have done thus far in the Balkans and in Afghanistan, and would make a positive contribution toward furthering the goals of NATO should it become a NATO member country;

(4) having made significant progress in reforming their societies and their military forces, and having developed reasonable, affordable, and sustainable plans to be able to work within the Alliance structure and to contribute positively to the collective defense of the Alliance and other NATO missions, the candidate countries of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia have met in a satisfactory manner, the criteria established by NATO in the Membership Action Plan process, would likely make a positive contribution to NATO, and should be invited to begin the accession process to join the Alliance at the Prague summit;

(5) with respect to candidate countries invited to join NATO, such countries should accede on a common date before the next announced NATO summit is to take place;

(6) after the Prague summit those candidate countries invited to join the Alliance should continue to participate in the Membership Action Plan until accession, and the accession process should take into account work conducted under the Membership Action Plan; and

(7) the process of NATO enlargement should continue beyond the inclusion of such candidate countries invited to join NATO at Prague, to include those candidate countries not so invited at Prague as well as other democratic European countries which may express interest in joining the Alliance, and which agree to utilize the Membership Action Plan to facilitate such NATO enlargement.

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

The Chair recognizes the gentleman from California (Mr. GALLEGLY).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, on November 21 and 22, the heads of state and government of the 19 members of the NATO alliance will gather in Prague in what will arguably be the most important meeting of the alliance in a decade.

At Prague, the future of the alliance will thoroughly be debated. That debate will include the critical issue of whether the alliance can agree on what threats the alliance is likely to face in the future and whether the alliance members will make a serious and credible commitment to the development of the military capabilities necessary to meet those threats.

In addition, the summit will affirm the new relationship with Russia and will make history by likely issuing invitations to the largest number of new members ever in the history of the alliance.

Last November, when the House voted on the Solomon Freedom Consolidation Act, we were entering the beginning of a debate within the Congress, the Bush administration, the media, and among our NATO partners over the future of the alliance and what kind of alliance we would be inviting new members to join.

As chairman of the Subcommittee on Europe of the Committee on International Relations, I felt it would take some time to address several of the questions being asked regarding the alliance. Some of those questions included: Was NATO still relevant to Euro-Atlantic security? Were the alliance's roles and missions in need of new definition? What was the ability of the alliance to carry out those missions? What was the rationale for adding new members, and what could those new members provide the alliance? Finally, what would the impact of an enlarged NATO on a West-leaning but still somewhat skeptical Russia be?

To attempt to find those answers, I laid out a comprehensive plan to gather the necessary information to make an informed judgment to present to the House. The subcommittee held several hearings on the future of NATO and enlargement. I met with numerous foreign visitors, both alliance members and candidates alike. I traveled to three of the candidate states to review the commitments they are making to becoming responsible members of the alliance.

Subcommittee staff attended countless meetings, analyzed much of the information available on the alliance and the candidate countries, and twice traveled to NATO headquarters in Brussels. All this was designed to ensure that the subcommittee, and subsequently the whole House, would feel comfortable supporting the NATO alliance and endorsing new countries wishing to join the alliance.

H. Res. 468 is the work product of the Subcommittee on Europe's efforts to address the importance of the events which will take place in Prague. H. Res. 468 reaffirms the need for our commitment to the NATO alliance. This is also the view held by President Bush and Secretary Powell.

H. Res. 468 addresses the urgent need for upgrading NATO's military capabilities in order to meet today's changing threat environment. It agrees with the need for a strong NATO-Russia cooperative partnership. Finally, it affirms that the further enlargement of the alliance will further the stability of Europe, add to the security of the alliance, and is appropriate and welcomed.

During consideration of H. Res. 468 in the subcommittee, I offered an amendment regarding enlargement which was unanimously adopted. That amendment endorsed the candidates of seven countries, including Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia. This endorsement was determined after reviewing an extensive report prepared by our staff. The report addressed the progress the candidates had made in accordance with NATO's member action plan or MAP. The analysis focused on political, economic, and social development with each candidate. It looked at their ability to develop a military structure capable of providing for the overall security of the alliance, and it reviewed the commitment to provide the resources necessary to ensure that the reforms continued and that required military capability would be achieved.

The analysis was by no means exhaustive, but it was intended to provide the Members an overview of what issues are important to NATO in making an informed assessment of each candidate. Overall, all 10 candidates should be congratulated for the efforts they have made thus far to meet the criteria for becoming a member of NATO.

Progress in the candidate countries, ranging from political and military reform, resources commitment, to ensuring the support of the population, has been very impressive. Each has displayed a level of enthusiasm and commitment to the alliance as we saw demonstrated when the ambassadors of all 10 of the candidate countries testified before our subcommittee. Each has already displayed their willingness to be a fully participating member of the alliance through their actions and contributions in the Balkans and with respect to the campaign against terrorism. Each candidate brings with it its own individual strengths. Each is a viable democracy which shares a pro Euro-Atlantic view. Each is committed to market economies, all have embraced military reform, and each provides a unique geopolitical perspective or geostrategic location. These attributes make them all desirable members, either now or in the near future.

On the other hand, each candidate has its weaknesses. Not all have mature political systems or strong institutions. Some have weak economies with structural deficiencies needing attention. Not all have sufficiently addressed corruption. Some need further reform of their militaries and more modern equipment. Of course, all need to spend more money.

Nevertheless, it is our judgment that each of the seven countries listed in the amendment thus far meet the MAP criteria in a satisfactory way.

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And each has been judged to be a potential net contributor to the alliance security. Does this mean they have nothing left to do? Far from it, Mr. Speaker. Each has plenty more to be done, and that work must continue until Prague and beyond Prague, whether they receive an invitation to join or they do not.

To conclude, Mr. Speaker, given the continued importance of NATO to the United States and the importance of the upcoming Prague summit, I believe the House of Representatives should play an active role in expressing our views on NATO and its future. I believe we should also provide our input on which countries should be admitted to the alliance as guidance for the administration, which will play a key role in determining who ultimately will be invited; and we offer our advice to our colleagues in the other body who, as stipulated in the Constitution, will be called on to ratify those selections.

I believe H. Res. 468 provides a mechanism for such expression of the will of the House, and I urge its adoption.

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

Ms. WATSON of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I stand in strong support of this resolution. I would first like to commend my colleague from California (Mr. GALLEGLY) for introducing this important resolution and the gentleman from Illinois (Mr. HYDE) for allowing it to move quickly to the House floor.

The resolution before the House today endorses the expansion of NATO and specifically supports the NATO candidacy of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovenia, and Slovakia. The resolution also reaffirms that NATO is the primary institution through which Europe and North American allies address security issues and calls on NATO to strengthen national and collective capacities to respond to new threats.

Mr. Speaker, the U.S. Congress has consistently led the way in supporting NATO enlargement and a strong and robust role for NATO in Europe. NATO is the longest surviving alliance of our time, and it has endured because it is an alliance of free democratic nations.

There can be no better endorsement of NATO's success and continuing importance than the desire of the newly emerging Central and East European democracies to join this alliance. Whether all seven of these aspiring NATO members are invited to join the alliance at the Prague summit next month or not, there must be opportunities in the future for all European states who accept the conditions of membership to join NATO.

Mr. Speaker, the post-September 11 era has brought us new realities, and one of them is the crucial role that NATO can play in the fight against terrorism. The countries which have applied to NATO have already joined the

United States by participating directly in the war on terrorism and by other means such as sharing intelligence and cutting off terrorist financing. While the record of accomplishments and contributions by the aspirant countries, working with their membership action plans, is impressive, none can afford to become complacent now. The process of reforming the NATO aspirant nations will not and cannot end with Prague.

The process of reform must continue after membership, including dealing with the problem of corruption, the treatment of minorities, relations between the governments and opposition, and Holocaust-era issues.

I would also like to emphasize the need for continued strong cooperation with the Russian Federation under the new NATO-Russia Council. I welcome President Putin's new attitude towards NATO enlargement. This represents an important change in the Russian perceptions of the NATO alliance and is a sentiment that we should continue to strongly encourage. I strongly urge my colleagues to support this legislation.

Mr. LANTOS. Mr. Speaker, I join my colleagues in urging adoption of House Resolution 468, which expresses the support of the House for the enlargement of NATO that is planned for the Prague Summit later this fall. Millions of Americans of Central and East European descent share that view, as they demonstrated since the NATO expansion of 1999, when Poland, Hungary and the Czech Republic were invited to become members of the North Atlantic Alliance. They—and most other Americans—recognize that a vital U.S. foreign policy interest will be served by continuing to expand the zone of democracy and stability in Europe.

I have been and remain a strong proponent of NATO enlargement to include those countries that have demonstrated their commitment to democratic reforms, including full protection of minority rights of the diverse ethnic communities that live in these countries of Central and Eastern Europe.

Mr. Speaker, I want to mention a particular interest and concern regarding minority rights of two large historic Hungarian communities—the 1.5 million Hungarians in Romania and the 520,000 in Slovakia. The major unresolved issue affecting the minority communities of both countries is the continued postponement of the implementation of laws for restitution and/or compensation for communal property confiscated from Hungarian religious and educational institutions. Although both Romania and Slovakia have taken important steps to address this critical question of property restitution, progress has been both slow and disappointingly limited.

Mr. Speaker, I urge both countries to pursue restitution more vigorously in the coming months, until fair and complete restitution is implemented according to the rule of law. Only by the safeguarding of religious and minority rights and freedoms will the NATO zone of stability be extended to nations that share a demonstrated commitment to democracy and a true community of values. I urge the governments of Romania and Slovakia to work to resolve these important issues, and I urge all of the countries who seek admission to the North Atlantic Alliance to remember that we in the United States consider treatment of ethnic minorities as an important measure of a democratic society.

Mr. BEREUTER. Mr. Speaker, this Member would like to express his very strong support for H. Res. 468, the Transatlantic Security and NATO Enhancement Resolution, which is an important and historic resolution before the House today. Additionally, this Member would like to express his appreciation to the Chairman of the International Relations Subcommittee on Europe, the distinguished gentleman from California (Mr. GALLEGLY) for his efforts as we worked together to draft this resolution, consider this resolution in the Europe Subcommittee, and bring this resolution to the Floor. Furthermore, this Member would like to thank the Chairman of the International Relations Committee, the distinguished gentleman from Illinois (Mr. HYDE); and the Ranking Member of the International Relations Committee, the distinguished gentleman from California (Mr. LANTOS) for agreeing to waive the full Committee's jurisdiction over H. Res. 468 so that the House can debate and vote on this measure before Congress adjourns.

Indeed, as an original co-sponsor of this resolution and as a strong supporter of NATO and NATO enlargement, this Member is pleased that H. Res. 468 enjoys bipartisan cosponsorship, including support from the House Leadership and from the full International Relations Committee.

The disintegration of the Soviet Union and the end of the Cold War, with dramatic changes in Russia, have necessitated the evolution of NATO as an organization—a process of change that is accelerating. Among three of the most notable changes are—Alliance enlargement, a new focus on terrorism and the proliferation of weapons of mass destruction, and the creation of the NATO-Russia Council.

The first post-Cold War legislation endorsing NATO enlargement was the NATO Participation Act of 1994, which the House of Representatives approved on October 7, 1994. The Senate, which has responsibility for ratifying the necessary changes to the NATO Treaty, shortly followed suit. At the NATO Madrid Summit of 1997, the Alliance began the process of expanding its membership from the lineup of eager former Warsaw Pact nations. The Czech Republic, Hungary, and Poland became full members in March of 1999. Overall this expansion has been very positive for NATO and for these three countries.

The Alliance is headed for a second enlargement round, with accession decisions expected at the Prague Summit in November. There are formally ten aspirant countries: all of the remaining Warsaw Pact satellite partners of the Soviet Union, the Baltic States, the Former Yugoslav Republic of Macedonia and Croatia. (Because it did not begin the formal accession process until May 2002, Croatia will not be eligible to receive an invitation to join NATO this year.) America's European and Canadian allies acknowledge that in the upcoming Summit the U.S. assessments of the readiness of the aspirant countries will be crucial. The consensus emerging in the Alliance is that seven new members will be invited to formally begin the accession process in Prague.

On November 7, 2001, the House passed the Gerald B.J. Solomon Freedom Consolidation Act, which this Member introduced and was named for our esteemed, departed colleague, a committed and active supporter of NATO. The Act, which had strong bipartisan support from House leadership, expressed congressional support for a robust second expansion round at Prague. It also authorized U.S. foreign military financing for seven aspirant countries: Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia. After an appeal from President Bush, the other body's limited but influential opposition to a second expansion round relented, and the other body approved the House bill by a vote of 85–6 on May 17, 2002.

On June 27, 2002, Chairman GALLEGLY and this Member introduced H. Res. 468, with the initial original co-sponsorship of the Ranking Member of the International Relations Committee, the distinguished gentleman from California (Mr. LANTOS); and the Chairman of the House Republican Policy Committee, the distinguished gentleman from California (Mr. COX). As introduced, the resolution was intentionally silent on which countries the House would recommend for accession invitations at the Prague Summit. Like leaders in our Executive Branch, the Subcommittee wanted to keep the pressure on the leading aspirant countries to address remaining deficiencies in their individual Membership Action Plans (MAPs) and in meeting the commitments that are important for NATO membership.

On September 25, 2002, during the Subcommittee mark-up, and with this Member's full support and consultation, the Chairman of the Europe Subcommittee offered an amendment which expresses the sense of the House of Representatives that the seven most qualified countries be offered invitations to join NATO. The Subcommittee approved the amendment by voice vote and favorably reported the resolution, as amended. The resolution's passage will signal to the world U.S. House support and membership recommendations for the enlargement decisions at the Prague Summit. It also will demonstrate to the American electorate House support for members of the other body as they assume their treaty ratification responsibilities to implement the Prague enlargement decisions during the next Congress.

Why the interest in enlarging NATO membership? Why does NATO remain relevant and even crucial? What are the benefits of and concerns about enlargement? Why should Congress, the American people, and the NATO member nations support a robust NATO expansion round countries at the Prague Summit?

Despite the demise of the Soviet Union and positive changes in Russia, a resilient and vital NATO is needed (1) to perform its core function as a mutual defense pact against the possibility of direct aggression against NATO or a member state, (2) to provide a forum to facilitate a greater degree of consultation, cohesion and cooperation among NATO members, and (3) to serve as a source of integrated military strength to address conventional or unconventional threats or demands for out-of-area peacekeeping activities vital to NATO's interests.

NATO is the only multilateral security organization in place, potentially to be augmented by non-NATO participants in NATO's Partnership for Peace (PfP), which is capable of conducting effective military operations and preserving the security and stability of the Euro-Atlantic region.

An expanded NATO provides the stable environment needed by its new member nations and aspirant countries in Central and Eastern Europe to successfully complete the political and economic transformation for integration into Europe and the community of Western democracies. Already, NATO membership requirements have been absolutely crucial in moving aspirant nations to civilian control of their militaries, transparency in military budgeting, interoperability of their military forces with NATO, resolution of internal ethics conflicts and territorial disputes, greater respect for human rights, reduced governmental and business corruption, judicial reform, market-oriented economies, and functioning parliamentary democracies.

The Alliance's military force structure, with its enhanced levels of interoperability, joint defense planning, command/control/communication/intelligence systems, and common force goals and doctrine, provides the crucial basis for forming ad hoc coalitions of willing NATO countries to take on combat, peacekeeping, or humanitarian relief missions—supplemented by PfP participants, as in Bosnia and in Kosovo.

NATO membership motivates member states generally to sustain their commitment to collective defense and, in particular, to meet the goals of NATO's Defense Capabilities Initiative (DCI). Thus, our allies improve their militarily capabilities and are less dependent on American forces.

The Alliance has accepted a new role in the war against terrorism and the proliferation of weapons of mass destruction and their delivery systems among rogue states and non-state actors. Success will require more than the capability for a rapid and effective military response. It also will require: an enhanced level of intelligence-sharing; coordination among NATO members' law enforcement agencies; improved police, judicial and financial agency cooperation; and information exchanges.

Russian civilian leadership is gradually recognizing that NATO is not a threat but rather a forum where Russia can most effectively communicate with her western neighbors. Additionally, Russian civilian leadership in the NATO-Russia Council and the confidence-building and cooperative steps that follow from the new council can lead to the economic prosperity and security of the community of Euro-Atlantic democracies.

At a time when overt threats from Russia to its neighbors immediately to the west have declined or disappear, and when intense opposition to NATO expansion by the civilian Russian leadership has noticeably declined, there should be less reticence among NATO members to accept Baltic nation members and to willingly bear the mutual defense costs and concerns related to these prospective NATO members.

With the careful redirection of some of NATO's focus away from meeting a massive Soviet/Russia strike against NATO Europe, and toward new tasks of peacekeeping, responding rapidly to out-of-area military or terrorist actions, and fighting the war on terrorism in NATO countries, the aspirant countries, with fewer resources and generally, smaller populations than most NATO members, can bring specialized military capabilities to the table for use in these new NATO missions.

Mr. Speaker, Congress must recognize that NATO is adapting to meet the threats to its member nations and to its collective interest. With the implementation of the Combined Joint Task Force (CJTF) concept for the assemblage of effective coalitions of the willing, NATO now has far more flexibility to address a range of new and very different threats. When the United States must defend its interests out of area, it is more likely to have some friends from NATO at its side who can effectively operate with it, despite a very troubling U.S.-Europe military capabilities gap.

Finally, and in conclusion, bringing in new qualified nations to NATO is not, on balance, a burden. Aspirant countries' vigorous interest in membership and their commitments to democracy, peace and stability will make NATO a more vital organization in an eastern European neighborhood. These countries have been striving to meet NATO membership qualifications and to finally join the ranks of the prosperous, peaceful, democratic nations of the Euro-Atlantic region. How, morally, can we deny them this tremendous step toward these worthy goals—some 57 years after the end of World War II?

Mr. Speaker, this Member urges his colleagues to vote ''aye'' on this resolution.

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

Mr. GALLEGLY. Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from California (Mr. GALLEGLY) that the House suspend the rules and agree to the resolution, H. Res. 468, as amended.

The question was taken.

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

Mr. GALLEGLY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOMMENDING INTEGRATION OF LITHUANIA, LATVIA, AND ESTONIA INTO NORTH ATLANTIC TREATY ORGANIZATION (NATO)

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 116) recommending the integration of Lithuania, Latvia, and Estonia into the North Atlantic Treaty Organization (NATO).

The Clerk read as follows:

H. CON. RES. 116

Whereas the Baltic countries of Lithuania, Latvia, and Estonia are undergoing a historic process of democratic and free market transformation after emerging from decades of brutal Soviet occupation;

Whereas each of these Baltic countries has conducted peaceful transfers of political power—in Lithuania since 1990 and in Latvia and Estonia since 1991;

Whereas each of these Baltic countries has been exemplary and consistent in its respect for human rights and civil liberties;

Whereas the governments of these Baltic countries have made consistent progress toward establishing civilian control of their militaries through active participation in the Partnership for Peace program and North Atlantic Treaty Organization (NATO) peace support operations;

Whereas Lithuania, Latvia, and Estonia are participating in the NATO-led multinational military force in the Republic of Bosnia and Herzegovina and Kosovo;

Whereas Lithuania, Estonia, and Latvia are consistently increasing their defense budget allocations and have adopted laws providing that such allocations for defense will be at least 2 percent of their gross domestic product (GDP) by 2002 for Lithuania and Estonia and by 2003 for Latvia;

Whereas each of these Baltic countries has clearly demonstrated its ability to operate with the military forces of NATO nations and under NATO standards;

Whereas former Secretary of Defense Perry stipulated five generalized standards for entrance into NATO: support for democracy, including toleration of ethnic diversity and respect for human rights; building a free market economy; civilian control of the military; promotion of good neighborly relations; and development of military interoperability with NATO;

Whereas each of these Baltic countries has satisfied these standards for entrance into NATO; and

Whereas NATO will consider at its 2002 summit meeting in Prague the further enlargement of its alliance: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) Lithuania, Latvia, and Estonia are to be commended for their progress toward political and economic liberty and meeting the guidelines for prospective members of the North Atlantic Treaty Organization (NATO) set out in chapter 5 of the September 1995 Study on NATO Enlargement;

(2) Lithuania, Latvia, and Estonia would make an outstanding contribution toward furthering the goals of NATO should they become members;

(3) extension of full NATO membership to these Baltic countries would contribute to stability, freedom, and peace in the Baltic region and Europe as a whole; and

(4) with complete satisfaction of NATO guidelines and criteria for membership, Lithuania, Latvia, and Estonia should be invited in 2002 to become full members of NATO.

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

The Chair recognizes the gentleman from California (Mr. GALLEGLY).

GENERAL LEAVE

Mr. GALLEGLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the concurrent resolution under consideration.

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

There was no objection.

Mr. GALLEGLY. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank the distinguished chairman for yielding me this time.

Mr. Speaker, I urge my colleagues to vote in support of H. Con. Res. 116, recommending the integration of Lithuania, Latvia, and Estonia into the North Atlantic Treaty Organization. I believe that these three nations have demonstrated the commitment necessary to become full-fledged members of that organization and will prove to be valuable allies in the war against international terrorism and the effort to promote democracy, human rights, and the rule of law around the world. These are the foundations, of course, for peace and prosperity; and they will be and are even now major players.

Mr. Speaker, 11 years ago with the collapse of the Soviet Union, Estonia, Latvia and Lithuania threw off the yoke of Soviet domination and regained their independence. Between World War I and World War II, they had been sovereign nations and respected members of the international community. In 1939, however, they were illegally partitioned between Hitler and Stalin as part of the infamous Molotov-Ribbentrop agreement. Based on this agreement, Hitler gave Stalin the green light to seize the Baltic states.

I am proud to state and to note that the illegal incorporation of Estonia, Latvia, and Lithuania into the Soviet Union was never recognized by the United States Government. Now Estonia, Latvia, and Lithuania are again sovereign nations, respected members of the international community, desirous of joining and contributing to the most successful defensive alliance Europe has ever known. They are working individually and among themselves to improve their defense posture and coordination. All three Baltic states are major contributing forces to the stabilization force in Bosnia. In Afghanistan, an Estonia mine-detecting team is working with our forces near the Bagram air base. They are working assiduously towards membership in the European Union and play a significant role in the deliberations of the Organization for Security and Cooperation in Europe, which I chair.

In the early 1990s, there were OSCE missions to Estonia and Latvia to assist in the resolution of the problem of integrating the non-native populations. These missions, I am very happy to say, have now been withdrawn as the challenges of integration recede further and further into history.

I would be remiss, however, if I did not mention a rule of law concern that is relevant to this discussion. During and after World War II, millions of people fled Eastern and central Europe to escape Nazi and Communist persecution. Most of them lost everything they and their families had earned and built up over generations including homes, businesses, and artwork. Since the early 1990's these people or their descendants have tried to regain through legal means the properties that were confiscated. The Helsinki Commission, again a commission that seeks to implement the Helsinki Final Act, has monitored the property restitution and compensation efforts being made by post-Communist governments, and this past July we held our third hearing on that subject. Among the NATO candidate countries where the issue of property restitution has been particularly problematic are Lithuania, Croatia, and Romania.

Central and East European governments have done much regarding property restitution; and indeed they have done some very good things, many of these countries. However, there needs to be done more in this area, and we would call upon them again as we encourage them to join NATO and are looking forward to this partnership which strengthens and deters against aggression that this issue needs to be resolved, and it needs to be resolved as quickly as humanly possible.

Ms. WATSON of California. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of this resolution, and I commend the gentleman from Illinois (Mr. SHIMKUS) for introducing this important resolution. Mr. Speaker, throughout the grim decades of the Cold War, the U.S. Congress consistently fought to ensure that the international community never acknowledged the incorporation of the Baltic states, Estonia, Latvia, and Lithuania, into the Soviet Union. Since these countries earned their independence in 1991, Congress has consistently supported their historic transformation into democratic and free market societies. From the first day of independence, all three Baltic countries made NATO membership a cornerstone of their foreign policy regardless of which political party controlled the government.

Mr. Speaker, Lithuania, Latvia, and Estonia have made Herculean efforts to prepare themselves for NATO membership. They have built armed forces modeled on Western armies. They have consistently maintained their defense budget at or around 2 percent of their GDP during these difficult economic times. Their people have consistently supported NATO membership with all its opportunities and commitments.

Lithuania, Latvia, and Estonia have all sent troops to assist the European peace-making efforts under NATO. The Baltic states have also joined the United States in the war on terrorism by offering to deploy forces to Afghanistan as part of the Danish contingent. These countries had some difficult legacies to overcome including Holocaust-era issues and dealing with Russian ethnic minorities. Latvia and Estonia have made considerable progress on minority rights issues and Lithuania has worked with the Jewish community to address property restitution and other Holocaust issues. These countries are now on the right track. Mr. Speaker, I strongly urge my colleagues to support this legislation.

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, the nations of Latvia, Estonia, and Lithuania have long awaited accession to NATO; and throughout this country, people representing various communities supporting Latvia, Estonia, and Lithuania have been seeking for recognition not only for NATO but also recognition so that there can be a full involvement with the European community. It is so important that this Congress recognizes the importance of Latvia, Estonia, and Lithuania to the world community and encourage not only excision but also encourage the full integration into the European community and the world community of these nations.

□ 1730

These nations have much to offer in terms of their commitment to democratic values, in terms of their commitment to development of their economies, in terms their commitment to technological development and in terms of their friendship with the United States.

I think that this resolution, which seeks to support Lithuania, Latvia and Estonia, is a step along the way towards rewarding those nations that not only have pursued democratic traditions but also are attempting to be integrated with the economies of Europe and of the United States.

NATO accession is seen as not simply being participation in the defense of the North Atlantic Treaty Organization member states, but also it is seen as an opportunity towards a more full participation in the world community on all the economic issues.

So I am pleased to work with my good friend, the gentleman from Illinois (Mr. SHIMKUS), and others who are concerned that this resolution receive this attention and support, and to stand here on behalf of those citizens in the Baltics, Latvia, Lithuania and Estonia, who have long awaited this moment when their nations would be recognized, and all of their friends in this country who have long awaited the moment for the United States to show support for the integration of these nations and for accession of these nations.

This is an important moment, and I am proud to be here on the floor to join with my colleague from California and to state to the world community that Latvia, Estonia and Lithuania are ready, they have been willing, they are able, and they deserve the support of the Congress of the United States.

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

Mr. GALLEGLY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I rise in support of H. Con. Res. 116, which was introduced by our colleague, the gentleman from Illinois (Mr. SHIMKUS).

In light of the action taken by the Subcommittee on Europe and just now by the House, which endorsed the Baltic States for membership in NATO, I believe this resolution is complimentary to H. Res. 468 and should be adopted.

The resolution endorses the candidacies of Estonia, Latvia and Lithuania for NATO membership and discusses in detail why the three Baltic nations deserve to be invited into the alliance.

Mr. Speaker, last year, the Baltic nations celebrated the 10th anniversary of the resumption of their independence after a long period of Soviet dominance. The changes which have taken place in those countries has been amazing in every aspect. The total political, economic and social transformation they have gone through in preparation for NATO and EU membership has been impressive, and they deserve to be recognized or their accomplishments by being invited to join the alliance.

The author of this legislation, the gentleman from Illinois (Mr. SHIMKUS), has long been a supporter and spokesman for the Baltics, serving as the chairman of the Baltic Caucus in the House. He has given tireless devotion to promoting these countries and their accomplishments. Passage of this resolution is as much about his dedication as it is about theirs.

Mr. Speaker, I do not believe there could be any better additions to the NATO alliance than these three nations, and I urge the adoption of the resolution.

Mr. TERRY. Mr. Speaker, I rise today in strong support of H. Con. Res. 116 to recommend the integration of Lithuania, Latvia, and Estonia into the North Atlantic Treaty Organization (NATO).

Since its inception in 1949, NATO has served as a vehicle for peace and stability throughout Europe. While the imminent threat of the Warsaw Pact has passed, one need not look far to see the continued utility of NATO. Far from becoming a defunct organization when the Berlin wall fell 13 years ago, NATO has adapted to the changing security dynamics of the post-cold war era and has continued to be a means through which we can achieve peace in Europe.

One of the most measurable successes of NATO is the eagerness of former Warsaw Pact countries and former Republics of the Soviet Union to join the western alliance. Three years ago, we officially welcomed Poland, Hungary, and the Czech Republic. At the Prague Summit in November the alliance will once again consider expanding its membership. We should recognize the tremendous gains the states of Lithuania, Latvia, and Estonia have made by accepting them into the NATO fold.

Lithuania, Latvia, and Estonia have all individually made extraordinary advances toward democracy and free market principles. Each has successfully thrown off the yoke of Soviet oppression and has instituted government structures that assure freedom and rule of law for their citizens. Each has demonstrated a respect for human rights and a desire to be oriented toward the freedom-loving states of the West. Each has actively worked to achieve the standards necessary for accession into NATO, and each has succeeded in this endeavor.

Membership in NATO will help cement the progress the Baltic states have made since achieving independence in 1991. More importantly, NATO expansion to incorporate the Baltic states, as former republics of the Soviet Union, will serve to strengthen the alliance in its mission to secure peace and security in the Euro-Atlantic region.

As a member of the House Baltic Caucus, I applaud the strides that Lithuania, Latvia, and Estonia have made and urge my colleagues to join me in supporting this resolution.

Mr. SHIMKUS. Mr. Speaker, as an American of Lithuanian decent, and cochairman of the House Baltic Caucus, it is with great pride that I rise today in support of H. Con. Res. 116. This resolution supports the integration of Lithuania, Latvia and Estonia into NATO.

In the aftermath of September 11, 2001, I believe it is even more important than ever to secure Europe through NATO enlargement. This past year there has been a fundamental shift in the argument over NATO membership. We are no longer questioning ''if'' NATO will expand, we are asking ''who'' will be invited to join in 2002. In a major foreign policy address at Warsaw University on June 15, 2001, President George W. Bush spoke decisively for enlarging NATO to include the Baltic nations when he said, ''All the new democracies, from the Baltic to the Black Sea, should have the same chance for security and freedom to join the institutions of Europe.'' Now, even the NATO defense ministers are telling the press that the decision has already been made to invite the Baltic countries to join at the Prague Summit next month.

When considering H. Con. Res. 116, it is important to remember the Baltic's history. Lithuania, Latvia and Estonia lost their independence in 1940 after the signing of the Molotov-Ribbentropo Pact that placed the Baltic States in the Soviet sphere of influence. The United States never recognized the legitimacy of the Soviet occupation. For over 50 years, the Baltic people endured unspeakable horrors under Stalin's totalitarian regime. With incredible tenacity and bravery, they resisted occupation. In 1991 they reasserted their independence, causing the domino effect that led the collapse of the Soviet Union.

Lithuania, Latvia, and Estonia are among the greatest success stories of post-communist Europe. Against all odds, in the decade since they regained independence, the Baltic countries have established stable democratic governments, free market economic systems, and exemplary respect for human rights and civil liberties. With reoccupation a possible long-term threat, they have turned their efforts toward security which can only be achieved by joining NATO.

Submitting their applications for NATO membership in 1994, the Baltics have already been contributing as if they were members of the alliance. Lithuania, Latvia and Estonia have all sent troops to assist the European peacekeeping efforts under NATO, the United Nations, the Organization for Security and Cooperation in Europe, as well as essential linguistic support for the current campaign against terrorism. Despite their modest budgets and tremendous social needs, each country has committed itself to spending 2 percent of its GDP on military preparations in compliance with the membership action plan (MAP). This is remarkable because in comparison, many NATO members, including Germany, do not currently spend 2 percent of their GDP on defense. H. Con. Res. 116 backs Baltic membership contingent on the completion of the membership action plan (MAP) requirements, which they have been vigorously pursuing.

There are some who argue that Baltic membership in NATO will cause a dangerous tension with Russia. I respectfully disagree. Expanding the umbrella of protection to the Baltics will never pose a threat to Russia. Instead it will enhance stability to Moscow's west, which is to Russia's advantage. In the recent past, Russia raised the same complaints about Poland's candidacy, and now that Poland has joined the alliance, the two countries have a better relationship than ever before. Baltic inclusion into NATO will have the same effect. Baltic membership might temporarily wound Russian pride, but it will be beneficial in the long term, forcing Russia to focus on its ailing economy, not its geopolitical situation.

Moreover, in light of the terrorist attacks, Russia seems to be accepting Baltic membership. On October 3, 2001 Russian President Vladimir Putin stated in Brussels that he is prepared to reconsider Russia's opposition to NATO enlargement. Putin stated that September 11th has brought relations between Russian and the West to a ''new level.''

While relations between the United States and the Baltic countries are very strong, the Baltics feel like the west abandoned them in exchange for peace with Moscow after World War II. If we fail to extend NATO membership to the Baltics in this round of enlargement, they will believe that we have scarified them once again. It would stall the reform movements underway which are fueled by hope for NATO membership and could cause instability in the region.

I introduced H. Con. Res. 116 because it is very important for the House of Representatives to send a message to NATO leaders before the 2002 summit that the United States stands firmly behind the Baltics' candidacy. Only NATO membership will enhance security in Europe. Until they are invited to join, the Baltic region will remain ripe for crises that could contaminate the United States-Russian relationship and threaten European security. For these reasons, I ask you to vote for H. Con. Res. 116.

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from California (Mr. GALLEGLY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 116.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

RECOMMENDING THE INTEGRATION OF THE REPUBLIC OF SLOVAKIA INTO THE NORTH ATLANTIC TREATY ORGANIZATION (NATO)

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and agree to

the resolution (H. Res. 253) recommending the integration of the Republic of Slovakia into the North Atlantic Treaty Organization (NATO), as amended.

The Clerk read as follows:

H. RES. 253

Whereas the Slovak Republic came into existence in 1993 after a peaceful division of Czechoslovakia;

Whereas Slovakia has consistently conducted peaceful transfers of political power;

Whereas Slovakia has demonstrated the maturity of its democracy in democratic, free and fair elections of September 2002 with high voter turnout;

Whereas Slovakia has shown a consistent record of progress in the areas of human rights, civil society, and a free market economy;

Whereas Slovakia's past government (1998-2002), which included three ethnic Hungarians, including a Deputy Prime Minister, demonstrated its commitment to improved relations with national minorities;

Whereas Slovakia reconfirmed its ability to address issues of the past, including the recent decision of its Government to compensate the Holocaust victims;

Whereas Slovakia has continually worked to retain civilian control of its military through active participation with North Atlantic Treaty Organization (NATO) forces, and the members of the North Atlantic community have cooperated closely with the military of Slovakia in its reform;

Whereas Slovakia has demonstrated its ability to operate with the military forces of NATO members within activities of the Partnership for Peace program and participated in missions in Bosnia and Herzegovina and Kosovo;

Whereas Slovakia sent its troops to Afghanistan in support of the war against terrorism and Operation Enduring Freedom;

Whereas Slovakia, geographically located in a strategically significant position, contributed within the framework of Visegrad Four together with its neighbors, the Czech Republic, Hungary, and Poland—all members of NATO since 1999—to regional security and stability; and

Whereas NATO will consider at its 2002 summit meeting in Prague extension of invitations to new democracies of Central and Eastern Europe to join the Alliance: Now, therefore, be it

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

(1) the Slovak Republic should be commended for progressing toward political and economic liberty and for its efforts to meet the guidelines for prospective North Atlantic Treaty Organization (NATO) members set out in Chapter 5 of the September 1995 Study on NATO Enlargement;

(2) Slovakia would make significant contributions to furthering the goals of the North Atlantic Treaty Organization;

(3) extension of the North Atlantic Treaty Organization to include Slovakia would significantly contribute to security and peace of Europe and the region as a whole; and

(4) Slovakia should be invited to be a full member of the North Atlantic Treaty Organization alliance at the NATO 2002 summit in Prague.

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

The Chair recognizes the gentleman from California (Mr. GALLEGLY).

GENERAL LEAVE

Mr. GALLEGLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 253.

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

There was no objection.

Mr. GALLEGLY. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend, the gentleman from California (Chairman GALLEGLY), for yielding me time.

Mr. Speaker, I rise in support of H. Res. 253, recommending the integration of Slovakia into the North Atlantic Treaty Organization.

In my years of service with the Commission on Security and Cooperation in Europe, I have observed the sometimes difficult transition to democracy of this Central European country. It has been very difficult for them. It was because of Slovakia's own authoritarian leaders, most notably Vladimir Meciar, that Slovakia was rightly excluded from the accession process in 1997. Today, it is thanks to a new generation of bright and enlightened Slovak leaders that that situation has dramatically been reversed.

To the credit of the Dzurinda government, many important changes have already been undertaken. The support of the U.S. Congress for Slovakia's admission to NATO reflects the deep respect my colleagues and all of us have for these remarkable achievements.

Let me just say to my colleagues that the reform process in Slovakia should not end with the Prague-NATO summit. On the contrary, the long-term well-being of Slovakia requires that this process continue and indeed intensify after November.

In this regard, there are three areas that I believe deserve particular attention.

First, the most recent elections clearly demonstrate Slovakia's ability to elect pro-democracy, pro-western governments that respect the sacredness and sanctity of human life. The results of the 1998 elections were not a fluke but an illustration of real and meaningful democratic transition that first found its voice in civil society and then in the government itself. The question now is whether that maturity will also be found in a loyal opposition in the parliament, one that by definition has policy differences from time to time from the ruling coalition, but whose ultimate interest is in serving the Slovak people.

Second, the Slovakia government must make headway in fighting corruption. Unless and until that happens, the rule of law will remain weak, economic development will go to other countries, and justice will be elusive.

Finally, Slovak leaders must address in earnest the scourge of racism against the Roma. This problem, as we all know, is not unique to Slovakia. While other countries in the region have moved to counter the most alarming manifestations of hatred and intolerance, violent attacks, Slovakia has failed to bring these attacks under control. The NATO Participation Act of 1994, I would remind my colleagues, which all of us supported, made clear that ''participants in the Partnership for Peace should be invited to become full NATO Members if they remain committed to protecting the rights of all of their citizens.'' So we make a strong appeal to the Slovak leadership, please, undertake aggressive efforts to protect the Roma.

Mr. Speaker, I want to thank again my good friend for his leadership on this issue.

Ms. WATSON of California. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

Mr. Speaker, I first would like to commend my good friend and colleague, the gentleman from Michigan (Mr. STUPAK), for introducing this important resolution.

Mr. Speaker, just a few minutes ago we considered H. Res. 468, which endorses membership in NATO for the Slovak Republic, along with six other applicants. This resolution before us highlights the political, economic and foreign policy accomplishments of the Slovak Republic since its ''velvet'' divorce from the Czech Republic in 1993 and specifically endorses its NATO membership.

Slovakia did not have an easy beginning as an independent country. Its first post-independence government stalled on political and economic reforms, in stark contrast to its neighbors to the north, west and south. But the people of Slovakia elected a reform-minded government in 1998, which quickly moved to anchor Slovakia in the West, made NATO membership a cornerstone of its form foreign policy and joined the Czech Republic, Hungary and Poland in a regional, political and economic grouping.

The Slovak Republic has not only shown progress in the area of free market economy, but it also began to address different issues of the past, such as Jewish property restitution and compensation to the victims of the Holocaust. Relations with the ethnic Hungarian minority have also improved, and the previous government included three ethnic Hungarians as ministers. Although much more remains to be done in this area, I believe that membership in NATO will reinforce the message that the just treatment of national minorities is a key aspect of membership.

The Slovak government has already demonstrated that it is interested in the ability to join NATO, first by participating in the SFOR and the KFOR operations, and by sending its troops to Afghanistan.

Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. STUPAK), the sponsor of this resolution.

Mr. STUPAK. Mr. Speaker, I thank the gentlewoman for yielding me time for this opportunity to speak in support of expansion of the North Atlantic Treaty Organization.

Mr. Speaker, I introduced H. Res. 253 to commend the Slovak Republic for its progress towards political and economic liberty and efforts to meet the guidelines of prospective NATO membership. Slovakia, once an authoritative regime, embraced a pro-western government in 1998 and freed its citizens from international isolation.

On September 21, 2002, the Slovak government successfully held the third free and fair elections since its independence. Over 70 percent of the eligible voters turned out to express their new-found democratic right.

The Slovak Republic now stands ready to play an integral part in defense of the free world. As a member of NATO, Slovakia would contribute to protection of member states and significantly benefit the security and peace of Europe and the region as a whole. Slovakia's leaders value the prospect of serving in our military alliance, while its citizens align themselves with NATO's common values and democratic mission.

The NATO summit to discuss enlargement is scheduled for November 23, 2002, in Prague. That is why this resolution is so timely.

I thank the chairman, the gentleman from Illinois (Mr. HYDE); the ranking member, the gentleman from California (Mr. LANTOS); the subcommittee chairman, the gentleman from California (Mr. GALLEGLY); and the ranking member, the gentleman from Alabama (Mr. HILLIARD) for moving this resolution forward, because this resolution demonstrates that, among the other European countries vying for membership, Slovakia boasts the highest gross domestic product and a key geographical advantage, surrounded by other NATO member states.

Let us send a clear message that Slovakia would make an excellent partner and deserves to be counted among the newest members of NATO.

On a personal note, my ancestors are from Slovakia, so I am proud to present this resolution to the House for its consideration today.

So I ask all Members to support H. Res. 253 and urge our international community to give Slovakia's bid for NATO membership new consideration.

Mr. GALLEGLY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, H. Res. 253 was introduced by our previous speaker, the gentleman from Michigan (Mr. STUPAK), and endorses the candidacy of Slovakia for NATO membership. In light of the action about to be taken by the House, I believe this resolution is complimentary to H. Res. 468 and elaborates the reasons why Slovakia should be included in NATO.

□ 1745

Five years ago, Slovakia was seriously under consideration for NATO membership, but was denied due to the government in power at the time. That government was subsequently replaced, but it threatened to return to power this year, again calling into question Slovakia's candidacy. However, Slovakia just recently held a very important national election and the current government has been returned to office. The outcome of the elections were one of the keys to the status of Slovakia's application to NATO. The election results did come out to everyone's satisfaction, and that has lessened the apprehensions about Slovakia's commitment to NATO.

Mr. Speaker, I want to congratulate the people of Slovakia for their strong showing in the election. Over 70 percent of the voting population actually voted. I also want to commend the work of our ambassador, Ron Weiser, and his entire embassy staff for their efforts to encourage a strong voter turnout.

Mr. Speaker, I urge the adoption of this resolution.

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

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

Mr. GALLEGLY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN), the chairman emeritus of the Committee on International Relations.

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

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

Mr. Speaker, I would like to thank our distinguished Committee on International Relations subcommittee chairman, the gentleman from California (Mr. GALLEGLY), for his diligent work in bringing H. Res. 486, the Transatlantic Security and NATO Enlargement Act, before us for consideration today. As a cosponsor of that resolution, it is my firm belief that NATO enlargement will not only affirm the importance of the North Atlantic Treaty Organization Act, but it will contribute to the stability and security of Europe and preserve and enhance its ability to effectively combat the scourge of terrorism.

Today, the case for NATO enlargement is stronger than ever before. The September 11 attacks have reminded us of the common interests we share with our European allies. Thus, not only will NATO enlargement contribute to the process of integration that has helped us stabilize Europe over the past 50 years, but it will also help promote the development of strong new allies in our war on terrorism.

Far from backing away from NATO enlargement, we should welcome all of those European democracies whose political stability, military contributions, and commitment to NATO's solidarity would be assets to the alliance. Each of the candidate countries have made remarkable progress in transitioning to Western-style democracies and free market economies. While each nation's challenge is different, they share a common thread: the desire to adopt a pluralistic form of democracy that respects human and civil rights, practices tolerance for ethnic and religious diversity, and demonstrates a healthy respect for the rule of law. They should be commended for both their accomplishments and their continued pursuit of these goals.

Accordingly, I wish to strongly urge my colleagues to support this important resolution. Now, more than ever, we must pursue a wider, integrated NATO.

Mr. GALLEGLY. Mr. Speaker, we have no further requests for time. At this point I would urge my colleagues to support the adoption of this resolution.

Mr. MICA. Mr. Speaker, I am pleased to join my colleagues in support of H. Res. 253 recommending the integration of the Republic of Slovakia into NATO.

The people of the Slovak Republic understand the importance of national security and having the ability to maintain their national identity and sovereignty. Time and time again over the past centuries the Slovak people have been denied their independence. That is why they value the protection and security offered by membership in NATO.

The Slovak Republic has made great strides and significant progress since its peaceful separation from the Czech Republic in 1993. While the transition to a newly independent nation has been at times difficult, the Slovak people are heroes who have survived imposed monarchy, fascism, communism and forced integration. The Slovak people are heroes again even in the face of economic challenges and all the problems of transforming a state economy into a free market and free enterprise society—they again displayed their courage to align with the West, free institutions and democracy. Therefore, it is fitting today that the United States Congress express its support for the people of Slovakia and their newly independent nation to join in the security afforded by the NATO organization.

My hope is that Slovakians independence will be protected and preserved for future generations by its integration into NATO.

I am pleased to join as a cosponsor of this legislative resolution. I am pleased to be the grandson of Slovak immigrants to the United States. May God Bless the Slovak people and May God Bless the United States in these difficult times of national security.

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from California (Mr. GALLEGLY) that the House suspend the rules and agree to the resolution, H. Res. 253, as amended.

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

The title of the resolution was amended so as to read: ''Resolution recommending the integration of the Slovak Republic into the North Atlantic Treaty Organization (NATO).''.

A motion to reconsider was laid on the table.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2002

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 4085) to amend title 38, United States Code, to provide a cost-of-living increase in the rates of compensation for veterans with service-connected disability and dependency and indemnity compensation for surviving spouses of such veterans, to expand certain benefits for veterans and their survivors, and for other purposes.

The Clerk read as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans' Compensation Cost-of-Living Adjustment Act of 2002''.

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 2002, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 2002.

(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2002, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2003, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b) of section 2, as increased pursuant to that section.

Amend the title so as to read: ''An Act to increase, effective as of December 1, 2002, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

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

Mr. Speaker, H.R. 4085, the Veterans' Compensation Cost of Living Adjustment Act of 2002, will provide a cost of living adjustment to disabled veterans and surviving spouses. The amount of the increase will be calculated using the same percentage applicable to Social Security benefits. The percentage amount should be announced later on this week and will be around 1.5 to 2 percent. Upon enactment of this vital legislation, all veterans or qualified survivors of veterans who receive disability compensation payments will receive the COLA effective December 1 of this year.

Mr. Speaker, the House originally passed this COLA legislation back in May with a number of other very important provisions. On September 26, however, the Senate struck out those other provisions and sent us back the bill that is before us today. While I am urging my colleagues to support H.R. 4085, as amended, I want to assure them that we are continuing to work with our colleagues in the other body to reach agreement on these other vital provisions.

Specifically, those provisions would:

Authorize dependency and indemnity compensation benefits for the surviving spouse of a veteran who remarries after attaining the age of 65. These surviving spouses would also be eligible for supplemental VA-sponsored health coverage, education, and housing loan benefits to the same extent as if they had not remarried.

We also saw a provision stripped out that we again will seek to find another home that reduced the home loan fee charges qualifying members of the Selected Reserve to the same level charged active-duty veterans.

We also had a provision dealing with increased veterans' mortgage life insurance coverage from $90,000 to $150,000; and authorized veterans over the age of 70 to continue coverage under the veterans' mortgage life insurance.

The House bill, Mr. Speaker, also contained a provision to authorize funding for State-approving agencies, the entities that are responsible for certifying schools' eligibility for participation in the Montgomery GI Bill for the next 3 years. Because of the urgency of continuing their funding, following consideration of H.R. 4085, we will shortly take up legislation that provides a 1-year authorization.

Mr. Speaker, as this session draws to a close, I am hopeful that we will see action completed on these and a number of important veterans measures that the House has passed, but that have not been acted on by the other body. Among the House bills still pending in the other body are:

Number one, H.R. 3253, the Department of Veterans Affairs Emergency Preparedness Act of 2002, which would expand the Department of VA's role in homeland security, creating new research centers to counter biological, chemical, and radiological terrorism. H.R. 3253 originally passed the House on May 20 and was subsequently amended and approved by the Senate on August 1. After intensive negotiations with our colleagues in the Senate, a compromise agreement was reached by both sides, and the House agreed to the compromise version on September 17. We are now awaiting action by the Senate on this legislation.

Number two, H.R. 3645, the Veterans Health Care and Procurement Improvement Act of 2002 passed the House on July 22, which would reform VA health care procurement practices, expand access to VA health care services to Filipino veterans, World War II veterans, and provide additional dental services to former POWs.

Number three, H.R. 4015, the Jobs for Veterans Act, passed the House on May 21 and would reform veterans job training and placement programs in the Department of Labor through a new system of incentives and accountability.

Number four, H.R. 3423 would reform eligibility for burial at Arlington National Cemetery and was passed by the House on December 20 of last year. This legislation makes a couple of commonsense changes to recognize that reservists who die in the line of duty or who would qualify for burial but for their age at death, deserve the honor of an Arlington burial should they and their families so choose.

Number five, H.R. 4940, the Arlington National Cemetery Burial Eligibility Act, passed the House on July 22nd. This is the third time that the House has approved a comprehensive review and overhaul of Arlington's rules, and we will continue to work with our colleagues in the other body on this major legislation.

Number six, H.R. 5055, legislation to authorize a memorial marker in Arlington National Cemetery honoring

veterans who fought in the Battle of the Bulge. That passed on July 22 as well. We have a preliminary agreement with our Senate colleagues on this and look forward to working with them and taking final action on that before this session closes sine die.

Number seven, H.R. 811, the Veterans Hospital Emergency Repair Act, which passed the House on March 27, 2001, and H.R. 4514, the Veterans Major Medical Facilities Construction Act of 2002, which passed the House on May 21, are both extremely important pieces of legislation designed to protect and preserve the invaluable infrastructure of the Veterans Health Administration. For the past several years, VA's construction programs have been seriously underfunded. It is imperative that we take action, prompt action, to ensure that hospitals, clinics, research centers, and other VA medical centers are properly maintained and modernized when necessary.

Mr. Speaker, there is still much more important work that we hope to accomplish in the waning days of the 107th Congress. There is already much that has been accomplished. Major new laws were enacted to substantially improve the GI Bill, reinvigorate our Nation's efforts to end homelessness among veterans, to better compensate service-connected veterans and their survivors, as well as dramatically increase funding for veterans health care services. This has indeed been a highly-productive year for veterans legislation in the House, and I salute all of my colleagues on both sides of the aisle for their assistance and their cooperation and for working as a team on behalf of our Nation's veterans.

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

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

Mr. Speaker, I rise in strong support of H.R. 4085. This measure provides a cost-of-living increase for our Nation's veterans. It will assure our Nation's veterans that the value of their benefits will not be reduced due to cost-of-living increases. I want to start out by thanking the gentleman from New Jersey (Mr. SMITH) for his leadership on this bill, as well as many other bills during the session that he alluded to.

I also want to thank the gentleman from Idaho (Mr. SIMPSON), the chairman of the Subcommittee on Benefits, and the gentleman from Texas (Mr. REYES), the ranking democratic member of the subcommittee, for their support of this legislation. This bill deserves the support of every Member of this body, and I urge my colleagues to vote for this legislation.

Mr. Speaker, I also rise today to publicly thank a member of the committee's Democratic staff for her exceptional service to our Nation's veterans. Beth Kilker, executive assistant to the Subcommittee on Benefits, will be retiring this December after almost 25 years of outstanding service to the House Committee on Veterans' Affairs and our Nation's veterans.

Beth began her career working for the FBI. After working for the FBI and the House Select Committee on Assassinations, Beth joined the committee staff in March of 1978 as a staff assistant. She has been a dedicated and effective advocate for our veterans and their families. She is highly respected by veterans' service organizations as well as employees of the Departments of Veterans Affairs, Labor and Defense. Everybody Beth has worked for has become her friend. Committee members will miss Beth's helpfulness, her smile, and her sense of humor as well. Our Nation's veterans will be hurt by losing her presence and the diligent efforts she has made to resolve problems and to bring problems to the attention of VA officials. I want to thank her for her years of great service and her many acts of kindness. Beth, we will miss you deeply and sorrowfully, and we thank you for the years of service you have given to this country.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN).

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

□ 1800

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to commend our chairman of the Committee on Veterans' Affairs, the gentleman from New Jersey (Mr. SMITH), for his wonderful, diligent work on behalf of our veterans throughout our Nation. They have had a great deal of reduction of benefits, of health care, and our chairman has been continually keeping a lookout for whatever he can do to be of assistance to our veterans. He deserves the adulation of all of us for what he is doing.

Mr. Speaker, I am pleased to rise in support of H.R. 4085. It provides effective cost-of-living adjustments for the rates of our disability compensation for veterans with service-connected disabilities and to the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans. That percentage amount is going to be equal to the increase for benefits provided under the Social Security Act, something that is long overdue. It certainly will provide the kind of assistance that is sorely needed by veterans throughout our Nation.

I want to thank our chairman once again for watching over our veterans in his committee and for doing whatever is needed.

Mr. EVANS. Mr. Speaker, I yield 3½ minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I see the gentleman from New York (Mr. GILMAN) leaving. He has thanked all the members of the Committee on Veterans' Affairs.

The gentleman from New York has been basically a de facto member of this committee for so long. He has been here for every piece of legislation and has supported our veterans. Not only is the Committee on International Relations going to miss him, but we are going to miss him very much when he retires.

I thank the gentleman very so much on behalf of the Nation's veterans.

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

Mr. FILNER. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his kind remarks.

Mr. FILNER. Mr. Speaker, I thank the chairman also for his leadership of the committee and thank the ranking member, the gentleman from Illinois, Mr. EVANS.

As we have listed all the bills we have passed and the Senate has not, it is very disheartening. Maybe we all need to march over there as a group. Anyway, whatever support the chairman needs for getting some action, I am sure all of us on both sides of the aisle would be willing to join him, because he has led us through this whole year in a very incredibly effective way. We need to finish this year with some positive legislation, so please call on us if we can help in any way.

Mr. Speaker, clearly the Veterans' Compensation Cost-of-Living Adjustment Act is a very important piece of legislation. It is to make sure that our veterans who are receiving service-connected compensation benefits and their survivors who are receiving dependency and indemnity compensation do not fall further behind in their compensation. It will have the same percentage as the increase in benefits paid to Social Security beneficiaries.

Mr. Speaker, we know that ever since September 11 we have been especially grateful to our veterans and our public safety officers for their contributions to this Nation, contributions that make it possible for us to live and work in our democracy; but certainly this is something that we have to follow through on, not only just as we recall September 11. When they have become disabled in their service to our Nation, it is our obligation to provide for these men and women when they have fulfilled their military duty.

It is important and vital that we continue to provide incentives for new recruits to our Armed Forces. We must let young men and women know that they, too, will be noticed, their dedication will be provided for, and a grateful Nation will not forget them.

The cost of housing, food, health care, all the basics of living are increasing, so an annual cost-of-living increase for our veterans is critically needed and one important way we can demonstrate our support and our thanks. Let us all vote for H.R. 4085.

Mr. Speaker, I would like to add my thanks to the thanks of the gentleman from Illinois (Mr. EVANS) to Beth, Beth

Kilker, who is retiring. She has served, of course, as the executive assistant for our Subcommittee on Benefits, has kept us all in line and has kept us all moving and kept us all in good humor. She knew when to make sure we got all our work done, and she rewarded us with chocolates, sometimes, or other benefits.

Mr. Speaker, I would like to again thank Ms. Kilker for her service. I have heard the words ''dedicated'' and ''effective,'' and I think that summarizes it. She has worked for veterans in the years that she has been with our committee. All the veterans of our Nation can join in thanking her for her effective service. I thank Beth Kilker.

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

Mr. Speaker, I want to join my colleagues, the gentleman from Illinois (Mr. EVANS) and the gentleman from California (Mr. FILNER), and really the entire committee on both sides of the aisle, in praising the long and distinguished service of Beth Kilker, Elizabeth Kilker.

Elizabeth Kilker has served with the committee for almost 25 years. I have been on the committee for 22 years, Mr. Speaker. I have known her. I have admired her. She is always a positive force. She has worked with chairmen and ranking members from Texas, Mississippi, Arizona, Arkansas, Illinois, and now New Jersey.

Throughout these years she has been extraordinarily helpful, effective, and always positive, perhaps something she learned at Immaculate Heart Academy in Girardville, Pennsylvania. But she certainly has brought a real sense of class, distinction and is, as I said, a very, very effective person.

The committee has not just been blessed, but the veterans themselves have been blessed. They have been enriched by her service, they will miss her, and may God bless everything that she does going forward.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in support of the passage of H.R. 4085, the Veterans' Compensation Cost-of-Living Adjustment Act of 2002. I am proud to be a co-sponsor of this very important legislation.

Throughout the history of our great nation, the members of the U.S. Armed Forces have risen to the challenge of defending our democracy and freedom. However, in retirement and in periods of disability, these brave men, women, or their surviving spouses, frequently face a new challenge—the monthly struggle to make ends meet.

H.R. 4085 will help alleviate these monetary concerns through a cost of living increase in all veterans' benefits, and will provide a greater sense of financial security to spouses that survive the veteran into their older years.

I believe that we must continue to show our well-deserved respect and gratitude to the retired and disabled members of our military forces, and appropriately compensate them and their loved ones for their sacrifices. Accordingly, I would like to reiterate my support for the passage of this important bill.

Mr. REYES. Mr. Speaker, I rise today in support of H.R. 4085, the Veterans' and Survivors' Benefits Expansion Act of 2002, of which I am an original cosponsor. This bill increases the rates, through a cost-of-living adjustment (COLA), of veterans' disability compensation for dependants, the clothing allowance for certain disabled adult children, and dependency and indemnity compensation (DIC) for surviving spouses and children. This bill would rightly allow veterans and survivors to receive the same percentage increase in benefits as are paid to Social Security beneficiaries.

I would like to thank the distinguished Chairman of our Committee, Mr. CHRISTOPHER SMITH, as well as the distinguished Ranking Member, Mr. LANE EVANS, for their hard work in bringing this bill to the floor.

Mr. Speaker, I would also like to take this opportunity to recognize the service of Ms. Beth Kilker. Beth has been a hardworking member of the House Veterans' Affairs Committee staff for over 20 years. I would like to wish her the best on her retirement and congratulate her for all of her outstanding contributions to the Committee.

Mr. GILMAN. Mr. Speaker, I would like to congratulate our colleague the distinguished chairman of our Veterans Committee, the gentleman from New Jersey Representative SMITH on H.R. 4085 and the outstanding work he has done in our Veterans Committee. This bill provides a cost-of-living adjustment to the rates of disability compensation for veterans with service-connected disabilities and to the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans. The percentage amount will be equal to the increase for benefits provided under the Social Security Act, which is calculated based upon changes in the Consumer Price Index.

The Secretary of Veterans Affairs shall increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary.

This bill allows additional compensation for dependents, clothing allowance, new Disability Indemnity and Compensation (DIC) rates for surviving spouses with minor children, additional DIC for disability and for dependent children.

The Secretary is required to adjust administratively, consistent with the increases made, the rates of disability compensation payable to persons who are not in receipt of compensation payable pursuant to chapter 11.

Our Veterans Committee is commended for recognizing this need for benefits for our veterans and I urge its adoption.

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

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

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 4085.

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

A motion to reconsider was laid on the table.

AMENDING TITLE 38, UNITED STATES CODE, TO INCREASE AMOUNTS AVAILABLE TO STATE APPROVING AGENCIES TO ASCERTAIN QUALIFICATIONS OF EDUCATIONAL INSTITUTIONS

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3731) to amend title 38, United States Code, to increase amounts available to State approving agencies to ascertain the qualifications of educational institutions for furnishing courses of education to veterans and eligible persons under the Montgomery GI Bill and under other programs of education administered by the Department of Veterans Affairs, as amended.

The Clerk read as follows:

H.R. 3731

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

SECTION 1. INCREASE IN AGGREGATE ANNUAL AMOUNT AVAILABLE FOR STATE APPROVING AGENCIES FOR ADMINISTRATIVE EXPENSES FOR FISCAL YEAR 2003.

(a) IN GENERAL.—Section 3674(a)(4) of title 38, United States Code, is amended by inserting before the period at the end of the first sentence the following: '', and for fiscal year 2003, $14,000,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2002.

SEC. 2. FEE FOR LOAN ASSUMPTION.

(a) IN GENERAL.—(1) For the period described in paragraph (2), the Secretary of Veterans Affairs shall apply section 3729(b)(2)(I) of title 38, United States Code, by substituting ''1.00'' for ''0.50'' each place it appears.

(2) The period referred to in paragraph (1) is the period that begins on the date of the enactment of this Act and ends on September 30, 2003.

(b) TECHNICAL AMENDMENT.—(1) Section 3703(e)(2)(A) of such title is amended by striking ''3729(b)'' and inserting ''3729(b)(2)(I)''.

(2) The amendment made by paragraph (1) shall take effect as if included in the enactment of section 402 of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419, 114 Stat. 1861).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

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

Mr. Speaker, as chairman of the committee, I rise in strong support of H.R. 3731, as amended, which would increase funding for State approving agencies from $13 million to $14 million for fiscal year 2003.

Since World War II, Mr. Speaker, Congress has relied on the SAAs to ensure the quality of education and training offered to our Nation's veterans

and to protect the integrity of VA education programs. These are the agencies that determine which schools, courses, and training programs qualify as eligible for veterans seeking to use their GI Bill benefits.

SAAs also provide a vital role in occupational licensing and credentialing for veterans and in employer outreach.

On May 21 of this year, Mr. Speaker, the House passed H.R. 4085, as amended, a bill that included an increase from $14 million available to State approving agencies in fiscal year 2002 to $18 million for fiscal years 2003, 2004, and 2005. The Senate passed a similar measure as part of S. 2237 on September 26, but the bodies have not yet reached final agreement to a compromise on the larger bill containing this provision.

Without this legislation, Mr. Speaker, the SAA funding would decrease from the current funding level of $14 million to the $13 million levels on October 1 of this year. This is a stopgap measure for fiscal year 2003 only. My proposal simply puts SAA annual funding back at last year's level of $14 million for fiscal year 2003 in order to provide the SAAs with the resources necessary to fulfill their responsibilities.

Mr. Speaker, I join the ranking member, the gentleman from Illinois (Mr. EVANS), in urging every Member of the House to support this stopgap bill while we work on the other legislation.

I thank my good friend, the gentleman from Illinois (Mr. EVANS), for his cooperation on this legislation. We have throughout this session worked together on so many bills, and this is another one, while we work out some details with the Senate, hopefully to significantly boost the amount of money for the State-approving agencies.

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

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

Mr. Speaker, I rise in strong support of H.R. 3731. I again want to thank the gentleman from New Jersey (Chairman Smith) and the leaders of our subcommittee, the gentleman from Idaho (Mr. SIMPSON) and the gentleman from Texas (Mr. REYES), for their effective leadership on this important issue.

As an original cosponsor, I urge all Members to support this bill. The purpose of this legislation is straightforward. It provides that the funding authorized for the State approving agencies for fiscal year 2003 is not less than the amount provided in fiscal year 2002.

Mr. Speaker, the State approving agencies play a vitally important role in the administering of educational benefits under the GI Bill. These are benefits our veterans and service members have earned. We must respect that. If Congress fails to move this legislation, SAA funding will be reduced. This would be harmful to veterans' educations.

Congress has recently added responsibilities and duties to the State approving agencies at a time when State budgets are being drastically cut. Congress must make sure that these agencies have adequate resources to do their job.

Mr. Speaker, I support the passage of this legislation, and I urge Members to do the same.

Mr. REYES. Mr. Speaker, I rise today in support of H.R. 3731, a bill of which I am an original consponsor, to maintain funding levels for State Approving Agencies who approve the Department of Veterans Affairs' educational programs as well as conduct outreach concerning education benefits. The passage of this bill will prevent a $1 million decrease in funding for this program in Fiscal Year 2003. This decrease would likely result in the loss of State jobs and the degradation of this important program. We have a responsibility to our veterans to provide the services promised to them when they committed to serve our country.

Mr. Speaker, as you know, I have dedicated my service in Congress to improving the quality of life of our Nation's veterans. I remain committed to the responsibilities I have to our veterans.

I would like to thank the distinguished Chairman of our Committee, Mr. SMITH, as well as the distinguished Ranking Member and friend, Mr. LANE EVANS, for their hard work in bringing this bill to the floor.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in strong support of H.R. 3731, to increase funding for State Approving Agencies (SSA's). I am a cosponsor of this important legislation and I urge my colleagues to support its passage.

SAA's promote and safeguard quality education and training programs for all veterans and for other eligible persons. They protect the GI Bill resources available for those programs, programs proving beneficial to veterans in a wide variety of ways. They assure greater educational opportunities and more opportunities to meet the changing needs of our veterans.

The need to increase funding for SAA's primarily reflects the new SAA duties in occupational licensing and credentialing and veteran, servicemember and employer outreach in each State. In recent years, Congress has increased SAA responsibilities, most recently through enactment of P.L. 107–103, the Veterans Education and Benefits Expansion Act of 2001. This landmark legislation increased the basic GI Bill benefit by 19 percent in January 2002 and will further increase the benefit by 30 percent in October 2003 and 39 percent in October 2004.

However, SAA funding was capped at $13 million without an annual increase from FY95 to FY2000. Congress did increase SAA funding to $14 million, but only for FY01 and 02. If Congress does not act to increase funding for FY03, the SAA budget reverts back to the $13 million level, which, when combined with the growth in workload for SAA's under new laws, leaves the SAA's lacking the necessary resources to fulfill their responsibilities. H.R. 3731 increases SAA annual funding from $14 million to $18 million, with a three percent increase the following two years. Furthermore, under H.R. 3731, New Mexico's funding levels for SAA's is estimated to rise to a level of $147,612, an increase of $5,677.

If action is not taken on this bill, funding for this program will decrease by one million dollars nationwide, which will result in a loss of jobs nationwide. If we do not act, veterans will lose important services. Therefore I urge my colleagues to vote yes on H.R. 3731. You will be supporting veterans' educational rights; service members who will be returning to civilian life ready to contribute to this great nation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3731, as amended.

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

The title of the bill was amended so as to read: ''To amend title 38, United States Code, to increase amounts available to State approving agencies to ascertain the qualifications of educational institutions for furnishing courses of education to veterans and eligible persons under the Montgomery GI Bill and under other programs of education administered by the Department of Veterans Affairs, and for other purposes.''.

A motion to reconsider was laid on the table.

RECOGNIZING EXPLOITS OF OFFICERS AND CREW OF THE S.S. HENRY BACON SUNK ON FEBRUARY 23, 1945

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 411) recognizing the exploits of the officers and crew of the S.S. Henry Bacon, a United States Liberty Ship that was sunk on February 23, 1945, in the waning days of World War II, as amended.

The Clerk read as follows:

H. CON. RES. 411

Whereas during World War II the United States Liberty ship S.S. HENRY BACON was assigned the task of conveying war materials and supplies to the beleaguered Russian nation via the dangerous Arctic Ocean passage (referred to as the Murmansk Run) from Iceland or Scotland to Murmansk in northern Russia, and faithfully fulfilled her mission;

Whereas in early 1945 the British navy, having rescued a number of Norwegian civilians from occupied Norway and transported them to Murmansk, distributed them among the HENRY BACON and certain other merchant ships for transportation to England,

with 19 of such refugees being assigned to the HENRY BACON;

Whereas a convoy carrying those refugees, designated as Convoy RA 64 and consisting of 35 ships and naval escorts, departed Murmansk on February 17, 1945, amid one of the worst storms ever registered in the Arctic Ocean;

Whereas the HENRY BACON, with a full crew and refugees on board, sailing as part of that convoy, suffered damage from the force of the storms and from internal mechanical problems;

Whereas the HENRY BACON, while suffering from a loss of steering capacity, lost her place in the convoy and became a stray, unable to communicate with the convoy and required to maintain radio silence;

Whereas the HENRY BACON was left to her own devices and was in such dire straits that engine room workers used a sledgehammer and wedge to physically turn the ship;

Whereas on February 23, 1945, the HENRY BACON, alone in the freezing sea some 50 miles from the convoy, came under attack by 23 Junker JU–88 torpedo bombers of the German Luftwaffe;

Whereas armed with only the small but formidable antiaircraft battery with which such merchantmen were equipped, the United States Navy Armed Guard on board the ship and the ship's merchant sailors fought gallantly against the oncoming torpedo bombers;

Whereas although mortally wounded after a German pilot succeeded in scoring a hit with a torpedo to the ship, the HENRY BACON fought back, shooting down a confirmed three enemy planes and crippling at least two more;

Whereas when the HENRY BACON began to sink, her captain ensured that all 19 Norwegian refugees on board received a place in one of the undamaged lifeboats;

Whereas when the lifeboat supply was exhausted, crewmen made rough rafts from the railroad ties that had been used to secure locomotives delivered to Russia;

Whereas the HENRY BACON went down with 28 members of her crew, including Captain Alfred Carini, Chief Engineer Donald Haviland, Bosun Holcomb Lammon Jr., and the commanding officer of the United States Navy Armed Guard unit aboard, Lieutenant (junior grade) John Sippola, but in its sinking kept the German planes from looking further and locating the main body of the convoy;

Whereas the 19 Norwegian refugees, as well as the other survivors, were rescued by British destroyers and those refugees were ultimately returned to Norway; and

Whereas the actions of the officers and crew of the HENRY BACON were in the finest tradition of the United States Merchant Marine and the United States Navy and have been recognized by the people of Norway and Russia but, until now, have not been acknowledged by their own Nation: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress recognizes the valiant deeds of the officers and crew of the S.S. HENRY BACON, a World War II United States Liberty ship that was sunk by German aircraft on February 23, 1945.

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

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

Mr. MCHUGH. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. GOODLATTE), the author of this legislation and a gentleman who worked very hard to ensure that we have this moment on the floor for this very, very worthy proposal.

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from New York (Mr. MCHUGH), the chairman, for yielding time to me, and also for his work to move this legislation through the Committee on Armed Services.

Likewise, I thank the gentleman from Missouri (Mr. SKELTON), the ranking member of the full committee, for his assistance, as well.

Mr. Speaker, I rise today to recognize the exploits of the officers and crew of the S.S. *Henry Bacon*, a United States Liberty Ship that was sunk on February 23, 1945, in the waning days of World War II.

During World War II, the S.S. *Henry Bacon* was assigned the task of conveying war materials and supplies to the beleaguered Russian nation via the dangerous Arctic ocean passage known as the Murmansk run.

In early 1945, the British Navy, having rescued a number of Norwegian civilians from Norway and transported them to Murmansk, distributed them among the *Henry Bacon* and certain other merchant ships for transportation to England, with 19 of such refugees being assigned to the *Henry Bacon*.

On February 17, 1945, a convoy carrying these refugees and consisting of 35 ships and naval escorts departed Murmansk amid one of the worst storms ever registered in the Arctic ocean. The *Henry Bacon*, with a full crew and refugees on board, sailing as part of that convoy, suffered damage from the force of the storms and from internal mechanical problems. Suffering from a loss of steering capacity, the *Henry Bacon* lost her place in the convoy and became a stray, unable to communicate with the convoy, and required to maintain radio silence.

□ 1815

The Henry Bacon was in such dire straits that engine room workers used a sledge hammer and wedge to physically turn the ship.

On February 23, the Henry Bacon alone in the freezing sea some 50 miles from the convoy came under attack by 23 junker JU–88 torpedo bombers of the German Luft Waffe. The United States Navy Armed Guard on board and the ship's merchant sailors fought gallantly against the oncoming torpedo bombers.

Although sinking, after a German pilot succeeded in scoring a hit with a torpedo to the ship, the crew of the Henry Bacon fought back, shooting down a confirmed three enemy planes and crippling at least two more. As the Henry Bacon began to sink, her captain ensured that all 19 Norwegian refugees on board received a place in one of the undamaged life boats. When the life boat supply was exhausted, crewmen made rough rafts from the railroad ties that had been used to secure locomotives delivered to Russia.

The Henry Bacon went down with 28 members of her crew including Captain Alfred Carini, Chief Engineer Donald Haviland, Bosun Holcomb Lammon, Jr., and the commanding officer of the United States Navy Armed Guard Unit aboard, Lieutenant John Sippola, but in its sinking kept the German planes from looking further and locating the main body of the convoy.

British destroyers rescued the 19 Norwegian refugees as well as the other survivors. Those refugees were ultimately returned to Norway. I am pleased one of my constituents, Dr. Robert Alotta, authored a book, ''The Last Voyage of the S.S. Henry Bacon,'' along with Donald Foxvog, documenting this heroic event. The actions of the officers and crew of the Henry Bacon were in the finest tradition of the United States Merchant Marine and the United States Navy and have been recognized by the people of Norway and Russia, but until now have not been acknowledged by their own Nation.

The fabric of American history is interwoven with countless threads of valor on the field of battle, without which we would likely not enjoy the freedoms we have today. In recognizing these deeds, we preserve the memory of those who came before us for generations of Americans to come.

Mr. Speaker, this resolution is a small way to convey the thanks of a grateful Nation.

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

Mr. Speaker, I rise in support of House Concurrent Resolution 411, introduced by my colleague, the gentleman from Virginia (Mr. GOODLATTE). House Concurrent Resolution 411 recognizes the exploits of the officers and crew of the S.S. Henry Bacon, a United States liberty ship that was sunk on February 23, 1945, in the waning days of the Second World War.

The S.S. Henry Bacon was one of over 2,700 liberty ships mass produced in our country. Assembled from large prefabricated sections, this pioneering method of production allowed the Henry Bacon to be built in 6 weeks and commissioned on November 11, 1942. During the war, liberty ships were called ugly ducklings. However, these ships were the work horses of the Second World War, the largest class of civilian made war ships ever built. The crews consisted of over 44 Merchant Marines and 12 to 25 Naval Armed Guards.

Convoys of liberty ships filled the horizon as they carried cargos of grain and mail, ore and ammunition, trucks and troops across the Atlantic. A liberty ship can hold over 9,000 tons of cargo, in addition to trains, planes and tanks that were lashed to the decks.

The Henry Bacon was part of a convoy of 35 ships and Naval escorts that departed Murmansk, Russia, on February 17, 1945, on a rescue operation to

save 502 Norwegian children and adults who were left behind to starve when Nazi troops began to fall back.

Nineteen Norwegian refugees were aboard the Henry Bacon when a severe 2-day gale separated the ship from the convoy.

Damaged from this storm and 60 miles away from the support and protection of the convoy, the Henry Bacon was attacked by German torpedo planes. The ship's crew valiantly fought the attacking planes, downing several and exploding a number of torpedoes, but a torpedo slipped through and struck the ship on the starboard side. As the ship began to sink, only two undamaged lifeboats were safely launched. The crew ensured that all the Norwegians were on board the lifeboats. Some crew even gave up their places to the Norwegians. According to one crew member, ''The men just waited until all 19 refugees found seats. None had to be asked or ordered to give up his seat in the lifeboat.''

British destroyers rescued the survivors several hours later. Sadly, Captain Alfred Carini and Chief Engineer Donald Haviland and 27 crew members went down with the ship.

House Concurrent Resolution 411 recognizes the heroic and valiant deeds of the officers and crew of the S.S. Henry Bacon. I urge my colleagues to join me in recognizing the deeds and sacrifices of that crew.

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

Let me say a few words, if I might. First of all, my thanks, as I mentioned earlier, to the gentleman from Virginia (Mr. GOODLATTE). The saga of liberty ships in World War II is particularly a remarkable one. Indeed, I was at a function this past weekend in my district in Oswego, New York, where they were commemorating an opening of a safe haven museum, a museum that commemorated a place, a shelter in that community, the only place provided in World War II for Jewish refugees, something that that community understandably is very, very proud of.

We had a number of refugees from that period speak during the ceremony, and they mentioned their experience on a liberty ship, a ship called the *Henry Gibbons*, a ship that brought them and nearly a thousand souls from Italy. So on that basis alone, this is a very, very worthy resolution.

As my two colleagues who have spoken previously so eloquently underscored, the exploits and heroism of those displayed on the *Henry Bacon* were particularly extraordinary, that stood them apart from the accomplishments of other extraordinary American and women and liberty ships. As is the case with most stories with heroism, the crew members of the *Henry Bacon* were from all walks of life, were ordinary men who met extraordinary challenges with incredible courage. And it is I think, Mr. Speaker, particularly important to remember the heroes of past conflicts because in their stories we find examples of courage and sacrifice that perhaps few times in our Nation's history are more needed than they are now to sustain us as we go forward in the war against terrorism around the globe.

Perhaps one of the more eloquent and simple statements about the brave men aboard the *Henry Bacon* was spoken by a historian of that era whose writing shortly after that event wrote, ''There is no finer instance of a merchant ship defense in the history of the North Russian convoys.''

Mr. Speaker, I thank the gentleman from Virginia (Mr. GOODLATTE). Most of all, my thanks to the brave men of the *Henry Bacon* and all that they did at that time. Mr. Speaker, I ask our colleagues to support this very, very worthy enactment.

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

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 411, as amended.

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

The title of the concurrent resolution was amended so as to read: ''Concurrent Resolution recognizing the exploits of the officers and crew of the S.S. *Henry Bacon*, a United States Liberty ship that was sunk on February 23, 1945.''.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 411.

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

There was no objection.

RECOGNIZING COMMODORE JOHN BARRY AS THE FIRST FLAG OFFICER OF THE UNITED STATES NAVY

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 6) recognizing Commodore John Barry as the first flag officer of the United States Navy, as amended.

The Clerk read as follows:

H.J. RES. 6

Whereas John Barry, American merchant marine captain and native of County Wexford, Ireland, volunteered his services to the Continental Navy during the American War for Independence and was assigned by the Continental Congress as captain of the Lexington, taking command of that vessel on March 14, 1776, and later participating in the victorious Trenton campaign;

Whereas the quality and effectiveness of Captain John Barry's service to the American war effort was recognized not only by George Washington but also by the enemies of the new Nation;

Whereas Captain John Barry rejected British General Lord Howe's flattering offer to desert Washington and the patriot cause, stating: ''Not the value and command of the whole British fleet can lure me from the cause of my country.'';

Whereas Captain John Barry, while in command of the frigate Alliance, successfully transported French gold to America to help finance the American War for Independence and also won numerous victories at sea;

Whereas when the First Congress, acting under the new Constitution of the United States, authorized the raising and construction of the United States Navy, it was to Captain John Barry that President George Washington turned to build and lead the new Nation's infant Navy, the successor to the Continental Navy of the War for Independence;

Whereas Captain John Barry supervised the building of his flagship, the U.S.S. United States;

Whereas on February 22, 1797, President Washington personally conferred upon Captain John Barry, by and with the advice and consent of the Senate, the rank of Captain, with ''Commission No. 1'', United States Navy, dated June 7, 1794;

Whereas John Barry served as the senior officer of the United States Navy, with the title of ''Commodore'' (in official correspondence), under Presidents Washington, John Adams, and Jefferson;

Whereas as commander of the first United States naval squadron under the Constitution of the United States, which included the U.S.S. Constitution (''Old Ironsides''), John Barry was a Commodore, with the right to fly a broad pendant, which made him a flag officer; and

Whereas in this sense it can be said that Commodore John Barry was the first flag officer of the United States Navy: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Commodore John Barry is recognized, and is hereby honored, as the first flag officer of the United States Navy.

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

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 6.

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

There was no objection.

Mr. MCHUGH. Mr. Speaker I yield myself such time as I may consume.

Mr. SPEAKER. I rise in support of H.J. Res. 6, a resolution recognizing Commodore John Barry as the first flag officer of the United States Navy. Born in 1745, John Barry came to America as a young seaman and was a great American patriot and warrior during the Revolutionary War.

After the war, he was appointed the head of the United States Navy by

President Washington. John Barry's contributions during the Revolutionary War were unparalleled. He was the first captain to capture a British vessel on the high seas. And while in command of his favorite ship, the frigate *Alliance*, he captured two British ships after being severely wounded during a ferocious sea battle. He captured over 20 ships and fought the last sea battle of the war at the helm of the frigate *Alliance* in 1783.

Earlier in the war while waiting for a war ship to be built, he also fought on the land at the Battles of Trenton and Princeton. Later as the head of the Navy, he was so highly regarded as a teacher and visionary that his contemporaries labeled him ''the Father of the American Navy.'' His legacy was soon confirmed when many officers that he had mentored became the heroes of the war of 1812.

Mr. Speaker, commenting as both an Irish-American and as someone whose mother's maiden name was Barry, I cannot think of an American hero past or present that is a better example of a man that embodies the spirit of this great country, an immigrant who was totally committed to his adopted Nation.

Today, with this resolution, we honor Commodore John Barry as the first Navy officer authorized to fly his own pennant. But the story of John Barry is an Irish-American hero and patriot is a lesson of far greater importance to the Members of this House and all the Americans who treasure freedom and liberty.

Mr. Speaker, I particularly want to thank my friend, my House colleague and my State delegation colleague, the gentleman from New York (Mr. KING), who is, as I am sure most Members of this House recognize, a long supporter of Irish causes in the House of Representatives, for working so diligently on this particular resolution, and laboring very, very arduously to ensure that it was brought before this House today.

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

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

Mr. Speaker, I rise in support of House Joint Resolution 6, introduced by my colleague from New York (Mr. KING). House Joint Resolution 6 recognizes Commodore John Barry as the first flag officer of the United States Navy.

Born in Wexford, Ireland, in 1745, the son of a poor Irish farmer rose to become the father of the American Navy. In 1775 as the War for Independence began, Captain John Barry was given command of a new 14-gun ship named the Lexington. As the commander of the Lexington, Captain Barry captured the British ship Edward, the first American war prize.

Throughout the war, Captain Barry was successful in capturing numerous enemy ships and their vitally important cargo of food and ammunition that were desperately needed by the Continental troops.

Captain John Barry also aided in President George Washington's crossing of the Delaware and participated in the victorious Trenton Campaign.

Enemies also recognized Captain Barry's extraordinary skill and leadership. British General Lord Howe offered to desert Washington, and the patriot cause was rejected by Captain Barry who stated, ''Not the value and command of the whole British fleet can lure me from the cause of my country.''

□ 1830

After the first Congress authorized the establishment of the United States Navy, President George Washington tasked Captain John Barry to build and lead the Nation's young navy.

On February 22, 1797, President Washington conferred upon Captain John Barry the rank of captain, with the first commission of the United States Navy, Commission No. 1.

As commander of the first naval squadron, Commodore Barry was entitled to fly a broad pendant, which made him, in essence, the Nation's first flag officer of the United States Navy. Captain Barry served as commodore of the United States Navy under three Presidents, Washington, Adams and Jefferson.

Commodore Barry led the navy until his death in September, 1803, in Philadelphia. He played a vital role in establishing the earliest traditions of the navy: faithful devotion to duty, honoring the flag and vigilant protection of the rights of the sovereign United States.

House Joint Resolution 6 recognizes Commodore John Barry for his outstanding contributions to the Continental Navy through the American War for Independence and his extraordinary accomplishments as the Nation's first flag officer of the United States Navy. I urge my colleagues to adopt this resolution.

Mr. KING. Mr. Speaker, I rise today to urge the House of Representatives to pass H.J. Res. 6, a resolution which honors and recognizes Commodore John Barry as the first flag officer of the U.S. Navy.

In recognition of his historic role and his achievements, it is fitting that Commodore Barry be properly honored as the first flat officer. An American merchant marine captain and native of County Wexford, Ireland, Barry volunteered his services to the Continental Navy. Throughout his career, from taking command as captain of the *Lexington* to participating in the victorious Trenton campaign, Barry's efforts to the American war effort were monumental.

As a result, when the First Congress authorized the raising and construction of the U.S. Navy, President George Washington turned to Barry to build and lead the Nation's Navy. From supervising the building of the flagship USS *United States* to commanding the first U.S. naval squadron which included the USS *Constitution* (''Old Ironsides''), Barry was a commodore, with the right to fly a broad pennant, which made him a flag officer.

I urge the House of Representatives to pass H.J. Res. 6 and honor Commodore John Barry as the first flag officer of the U.S. Navy.

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

Mr. MCHUGH. Mr. Speaker, I have no further requests for time, with a final urging to all our colleagues to support this very, very worthy resolution; and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the joint resolution, H.J. Res. 6, as amended.

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

A motion to reconsider was laid on the table.

RECOGNIZING, APPLAUDING AND SUPPORTING THE EFFORTS OF THE ARMY AVIATION HERITAGE FOUNDATION

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 465) recognizing, applauding, and supporting the efforts of the Army Aviation Heritage Foundation, a nonprofit organization incorporated in the State of Georgia, to utilize veteran aviators of the Armed Forces and former Army Aviation aircraft to inspire Americans and to ensure that our Nation's military legacy and heritage of service are never forgotten, as amended.

The Clerk read as follows:

H. CON. RES. 465

Whereas the Army Aviation Heritage Foundation, a nonprofit organization incorporated in the State of Georgia in 1997, is an all volunteer organization composed of veterans, their families, and civilian supporters acting in concert to connect the American soldier to the American public through the use of the story of Army Aviation;

Whereas the Army Aviation Heritage Foundation is not a part of the United States Army and receives no Federal funding;

Whereas funds for the activities of the Army Aviation Heritage Foundation come entirely from donations made by private individuals and corporations;

Whereas Army Aviation Heritage Foundation volunteers devote a significant amount of their personal time and resources to present the story of our Nation's Armed Forces and the legacy of its veterans to the American people through extensive and elaborate living history programs presented at major public venues, such as air show events, and at numerous other smaller community outreach initiatives;

Whereas these living history programs are designed and presented to honor the Armed Forces and its veterans while inspiring the public that ultimately supports the Armed Forces and giving the public a glimpse of military life, service, and devotion;

Whereas the Army Aviation Heritage Foundation has devoted over 150,000 volunteer hours and over $5,300,000 in donated funds, aircraft, and equipment in organizing, developing, and conducting 35 public presentations that have helped to foster patriotism and present our Nation's military stories to

an audience of more than 5,500,000 people; and

Whereas the Army Aviation Heritage Foundation is acting to provide America's veterans a voice with which to tell their story and the tools with which to share with the American public their legacy of service and devotion: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress recognizes, applauds, and supports the efforts of the Army Aviation Heritage Foundation, a nonprofit organization incorporated in the State of Georgia, to pursue the following four primary purposes:

(1) To educate the American public regarding the military heritage of the United States through the story of United States Army Aviation's soldiers and machines.

(2) To connect the American serviceman and servicewoman to the American public as an active and admired member of the American family.

(3) To inspire patriotism and motivate Americans everywhere toward service to their community and country by involving them in our Nation's larger military legacy.

(4) To preserve authentic examples of Army aviation aircraft and utilize them in educational living history demonstrations and presentations so that the symbols of America's military legacy may always remain in our skies for future generations.

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

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 465.

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

There was no objection.

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

The United States military that fought with such skill and courage during the Persian Gulf War, the Balkan War and now in our deadly conflict with terrorism was and is an all-volunteer force. Our Nation can be immensely proud that we have created a military that is second to none in the world and that we have done it by attracting the best and the brightest to serve voluntarily.

While we are rightfully proud of the success of the all-volunteer force, there is, unfortunately, a downside. Since far fewer people are recruited to serve in a voluntary military, the connection between America and its military is increasingly tenuous and less personal. If the gulf in understanding between the military and the American people should become too pronounced, our national security decision process could be affected and made prone to miscalculations.

House Concurrent Resolution 465 offers a solution for this problem. By recognizing, applauding and supporting the Army Aviation Heritage Foundation, the Congress can take action to close the gulf between the American people and the military.

Mr. Speaker, this organization brings to life for people across the country a view of the military that so many have not experienced personally. In short, the Army Aviation Heritage Foundation educates the public on the history of military aviation and connects servicemen and servicewomen to the American family.

This type of education promotes understanding of and confidence in the military and yields a level of patriotism that is essential in our effort to battle terrorism around the globe.

Mr. Speaker, I certainly want to commend the gentleman from Georgia (Mr. COLLINS) for sponsoring this resolution and for working with all of us to ensure that this moment on the floor to make these worthy remarks and very, very important offering to our colleagues actually occurred.

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

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

I rise in strong support of House Concurrent Resolution 465 introduced by my colleague, the gentleman from Georgia (Mr. COLLINS).

It has already been noted that the Army Aviation Heritage Foundation performs a valuable role in educating the American public on military affairs and making the vital connection between the men and women who serve our Nation in uniform and the people they defend. That alone is a noble endeavor. We all understand that a Nation can only take pride in the past when the citizenry understands the challenges and sacrifices of those who passed this way before. To that end, the Army Aviation Heritage Foundation brings history to life for the citizenry.

Mr. Speaker, I want to highlight another aspect of the significant contributions of the Army Aviation Heritage Foundation, their contribution to the service members and their families. Earlier this year, the Army Aviation Heritage Foundation was selected as the Army's nominee to the Department of Defense Multi-department Selection Panel for the 2001 Zachary and Elizabeth Fisher Distinguished Citizen Humanitarian Award. This distinguished award recognizes efforts to improve the quality of life for members of the Armed Forces and their families.

In a letter of appreciation to the Foundation, Secretary of the Army, the Honorable Thomas E. White, offered the following commentary: ''The Foundation's dedication, patriotism, and numerous contributions have left a lasting imprint on the quality of life for the service members and their families.''

I urge my colleagues to join in passing this resolution.

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

Mr. MCHUGH. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. COLLINS).

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

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

Mr. Speaker, I rise in support of this resolution recognizing the Army Aviation Heritage Foundation.

Based in Hampton, Georgia, it is a nonprofit organization to display military aircraft from World War II, the Korean conflict, as well as Vietnam. There are no U.S. taxpayer dollars that go into this program. It is all, as I say, volunteer and civilians and veterans who have pooled their funds and support this organization just to have a living history of an Army aviation to display in different air shows around the country.

They were founded in 1997. Since then, they have devoted over 150,000 volunteer hours and $5.3 million in donated funds and aircraft and equipment, and they actually participated in 35 air shows, viewed by some 5½ million people.

They have four primary purposes, Mr. Speaker. One is to educate the American public to their military heritage through the story of the U.S. Army Aviation's soldiers and machines; two, to connect the American soldier to the American people as an active, accepted and admired member of the American family; to inspire patriotism and motivate Americans everywhere towards service to the community and country by involving them in our Nation's larger military legacy; and to preserve the authentic examples of Army aircraft and utilize them in educational living history demonstrations and presentations so that the symbols of America's military legacy may always remain in the skies for future generations.

I appreciate the gentleman from the Committee on Armed Services working with me on this and also the gentleman from Missouri (Mr. SKELTON) for his participation and urge that it be adopted.

Mr. MCHUGH. Mr. Speaker, with a final word of praise and appreciation to the gentleman from Georgia (Mr. COLLINS) and an urging of all of our colleagues to join us in supporting this resolution, I yield back my time.

The SPEAKER pro tempore (Mr. OTTER). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 465, as amended.

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

A motion to reconsider was laid on the table.

REPORT ON H.R. 5559, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2003

Mr. ROGERS of Kentucky, from the Committee on Appropriations, submitted a privileged report (Rept. No. 107–722) on the bill (H.R. 5559) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2003, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on the motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 3340, by the yeas and nays;

H.R. 5531, by the yeas and nays;

H. Res. 468, by the yeas and nays.

Votes on S. 2690 and H.R. 5422 will be taken tomorrow.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

ALLOWING CERTAIN CATCH-UP CONTRIBUTIONS TO THRIFT SAVINGS PLAN

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3340, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and pass the bill, H.R. 3340, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 372, nays 0, not voting 59, as follows:

[Roll No. 442]

YEAS—372

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chambliss
Clayton
Clyburn
Coble
Collins
Combest
Condit
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Ferguson
Filner
Flake
Fletcher
Forbes
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—59

Barr
Bilirakis
Blagojevich
Boehner
Borski
Bryant
Callahan
Carson (IN)
Chabot
Clay
Clement
Conyers
Cooksey
Costello
Cubin
Ehrlich
Everett
Fattah
Foley
Ford
Gutierrez
Hastings (FL)
Hilleary
Hoekstra
Istook
Kanjorski
Kilpatrick
Knollenberg
Lantos
Larsen (WA)
Lewis (CA)
Lipinski
Mascara
McKinney
Meek (FL)
Meeks (NY)
Miller, George
Neal
Owens
Pascrell
Pence
Portman
Riley
Rothman
Roukema
Rush
Schaffer
Solis
Spratt
Stump
Sununu
Sweeney
Tauzin
Taylor (MS)
Taylor (NC)
Tiahrt
Towns
Weldon (PA)
Young (FL)

□ 1902

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BILIRAKIS. Mr. Speaker, due to the death of a close family friend, I was in Florida on October 7, 2002, and unable to vote on H.R. 3340. Had I been present, I would have voted "yea" on rollcall vote No. 442.

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 442 on H.R. 3340, I was unavoidably detained. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OTTER). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

SUDAN PEACE ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5531, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 5531, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 359, nays 8, not voting 64, as follows:

[Roll No. 443]

YEAS—359

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia

Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bishop
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chambliss
Clayton
Clyburn
Collins
Combest
Condit
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Ferguson
Fletcher
Forbes
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Larson (CT)
Latham
LaTourette
Leach
Lee
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiberi
Tierney
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—8

Berry
Coble
Duncan
Flake
Hostettler
Miller, Jeff
Paul
Tanner

NOT VOTING—64

Barr
Bilirakis
Blagojevich
Boehner
Borski
Bryant
Callahan
Carson (IN)
Chabot
Clay
Clement
Conyers
Cooksey
Costello
Cubin
Ehrlich
Everett
Fattah
Filner
Foley
Ford
Gutierrez
Hastings (FL)
Hilleary
Hoekstra
Istook
Johnson, Sam
Kanjorski
Kilpatrick
Knollenberg
Lantos
Larsen (WA)
Levin
Lewis (CA)
Lipinski
Mascara
McKinney
Meeks (NY)
Miller, George
Murtha
Neal
Owens
Pascrell
Pence
Portman
Rangel
Riley
Rothman
Roukema
Rush
Schaffer
Serrano
Solis
Spratt
Stump
Sununu
Sweeney
Tauzin
Taylor (MS)
Taylor (NC)
Tiahrt
Towns
Weldon (PA)
Young (FL)

□ 1912

Mr. DUNCAN changed his vote from ''yea'' to ''nay.''

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

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to amend title 5, United States Code, to allow certain catch-up contributions to the Thrift Savings Plan to be made by participants age 50 or over; to reauthorize the Merit Systems Protection Board and the Office of Special Counsel; and for other purposes.''.

A motion to reconsider was laid on the table.

Stated for:

Mr. BILIRAKIS. Mr. Speaker, due to the death of a close family friend, I was in Florida on October 7, 2002, and unable to vote on H.R. 5531, the Sudan Peace Act. Had I been present, I would have voted ''yea'' on rollcall vote No. 443.

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 443 on H.R. 5531 I was unavoidably detained. Had I been present, I would have voted ''yea.''

TRANSATLANTIC SECURITY AND NATO ENFORCEMENT RESOLUTION OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 468, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GALLEGLY) that the House suspend the rules and agree to the resolution, H. Res. 468, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 358, nays 9, answered ''present'' 1, not voting 63, as follows:

[Roll No. 444]

YEAS—358

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blunt
Boehlert
Bonilla
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Burr
Burton
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (OK)
Castle
Chambliss
Clayton
Clyburn
Coble
Collins
Combest
Condit
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Ferguson
Flake
Fletcher
Forbes
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar

Olver	Ryan (WI)	Tanner
Ortiz	Ryun (KS)	Tauscher
Osborne	Sanchez	Terry
Ose	Sanders	Thompson (CA)
Otter	Sandlin	Thompson (MS)
Oxley	Sawyer	Thornberry
Pallone	Saxton	Thune
Pastor	Schakowsky	Thurman
Payne	Schiff	Tiberi
Pelosi	Schrock	Tierney
Peterson (MN)	Scott	Toomey
Peterson (PA)	Sensenbrenner	Turner
Petri	Serrano	Udall (CO)
Phelps	Sessions	Udall (NM)
Pickering	Shadegg	Upton
Pitts	Shaw	Velazquez
Platts	Shays	Visclosky
Pombo	Sherwood	Vitter
Pomeroy	Shimkus	Walden
Price (NC)	Shows	Walsh
Pryce (OH)	Shuster	Wamp
Putnam	Simmons	Waters
Quinn	Simpson	Watkins (OK)
Radanovich	Skeen	Watson (CA)
Rahall	Skelton	Watt (NC)
Ramstad	Slaughter	Watts (OK)
Regula	Smith (MI)	Weiner
Rehberg	Smith (NJ)	Weldon (FL)
Reyes	Smith (TX)	Weller
Reynolds	Smith (WA)	Wexler
Rivers	Snyder	Whitfield
Rodriguez	Souder	Wicker
Roemer	Stark	Wilson (NM)
Rogers (KY)	Stearns	Wilson (SC)
Rogers (MI)	Stenholm	Wolf
Ros-Lehtinen	Strickland	Woolsey
Ross	Stupak	Wu
Roybal-Allard	Sullivan	Wynn
Royce	Tancredo	Young (AK)

NAYS—9

Blumenauer	Gutknecht	Rohrabacher
DeFazio	Obey	Sabo
Duncan	Paul	Waxman

ANSWERED ''PRESENT''—1

Sherman

NOT VOTING—63

Barr	Gutierrez	Pence
Bilirakis	Hastings (FL)	Portman
Blagojevich	Hilleary	Rangel
Boehner	Hoekstra	Riley
Borski	Hunter	Rothman
Bryant	Istook	Roukema
Callahan	Kanjorski	Rush
Carson (IN)	Kilpatrick	Schaffer
Chabot	Knollenberg	Solis
Clay	Lantos	Spratt
Clement	Larsen (WA)	Stump
Conyers	Lewis (CA)	Sununu
Cooksey	Lipinski	Sweeney
Costello	Mascara	Tauzin
Cubin	McKinney	Taylor (MS)
Ehrlich	Meeks (NY)	Taylor (NC)
Everett	Miller, George	Thomas
Fattah	Murtha	Tiahrt
Filner	Neal	Towns
Foley	Owens	Weldon (PA)
Ford	Pascrell	Young (FL)

□ 1922

Mr. BLUMENAUER changed his vote from ''yea'' to ''nay.''

Ms. SLAUGHTER changed her vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BILIRAKIS. Mr. Speaker, due to the death of a close family friend, I was in Florida on October 7, 2002, and unable to vote on H. Res. 468. Had I been present, I would have voted ''yea'' on rollcall vote No. 444.

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 444 on H. Res. 468 I was unavoidably detained. Had I been present, I would have voted ''yea.''

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, a flight delay prevented me from being present for legislative business scheduled for today, Monday, October 7, 2002. Had I been present, I would have voted ''yea'' on the following rollcall votes: H.R. 3340, to allow certain catch-up contributions to the Thrift Savings Plan to be made by participants age 50 or over (rollcall No. 442); H.R. 5531, The Sudan Peace Act (rollcall No. 443); and H. Res. 468, The Transatlantic Security and NATO Enhancement Resolution of 2002 (rollcall No. 444).

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 114, AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 107–724) on the resolution (H. Res. 574) providing for consideration of the joint resolution (H.J. Res. 114) to authorize the use of United States Armed Forces against Iraq, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR COMMITTEE ON FINANCIAL SERVICES TO FILE SUPPLEMENTAL REPORT ON H.R. 5400, AGREEMENT BETWEEN UNITED STATES AND MEXICO CONCERNING ESTABLISHMENT OF BORDER ENVIRONMENT COOPERATION COMMISSION AND NORTH AMERICAN DEVELOPMENT BANK

Mr. ROGERS of Michigan. Mr. Speaker, I ask unanimous consent that the Committee on Financial Services be permitted to file a supplemental report on the bill, H.R. 5400, agreement between United States and Mexico concerning establishment of a Border Environment Cooperation Commission and a North American Development Bank, and for other purposes.

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

There was no objection.

AMENDING INTERNAL REVENUE CODE OF 1986 BASED ON 2000 CENSUS DATA

Mr. HOUGHTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3100) to amend the Internal Revenue Code of 1986 to allow for the expansion of areas designated as renewal communities based on 2000 census data, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Mr. LAFALCE. Mr. Speaker, reserving the right to object, and I will not object, especially since, along with the gentleman from New York (Mr. HOUGHTON), the gentleman from New York (Mr. QUINN) and the gentleman from New York (Mr. REYNOLDS) and others, I introduced this bill. It is extremely important to enhance the effectiveness of the Renewal Community Economic Revitalization Program.

I thank the gentlemen who are here, and the gentleman from New York (Mr. REYNOLDS) also, for joining with me in it.

Mr. Speaker, in the last Congress we enacted bipartisan legislation authorizing the designation of 40 Renewal Communities nationwide. The purpose of that program is to offer substantial economic development tax incentives for areas which are characterized by pervasive poverty, unemployment and general distress. The program works solely through tax incentives designed to revitalize these areas through tax benefits for investments and hiring of employees within these areas.

Early this year, HUD designated the 40 Renewal Communities under a national competition. Each Renewal Community was required to meet a number of objective eligibility criteria related to poverty, income and unemployment.

However, since the designations were made before all the 2000 census data was available, eligibility requirements relating to poverty and population were made using outdated 1990 census data. Use of such outdated economic data was required under the authorizing legislation and was probably necessary, given that the designation process was undertaken before this 2000 census data became available.

This bill significantly expands the areas of the 40 Renewal Communities that have already been designated and establishes criteria for going forward also by using Year 2000 census data. The general program limitations would be retained. Any Renewal Community seeking to add census tracts would still be subject to the area requirements of the program that the boundary of the community be contiguous, that its total population not exceed 200,000 and that the community be within the jurisdiction of one or more local governments.

The effective date treatment in the bill would permit investment and other tax credit provisions to apply in expanded census tracts as if they were part of the original application. That is extremely important, too.

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

Mr. LAFALCE. I yield to the gentleman from New York.

Mr. HOUGHTON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is a very simple bill which is designed to correct the Renewal Community legislation previously passed by this Congress. It is going to allow the use of 2000 census data for designation of new areas in the Renewal Communities.

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

Mr. LAFALCE. I yield to the gentleman from New York.

Mr. QUINN. Mr. Speaker, I thank my neighbor, colleague and friend for yielding.

Mr. Speaker, let me just say for the record, to be quick here, I want to associate myself with the remarks of the gentleman from New York (Mr. LAFALCE), the gentleman from New York (Mr. REYNOLDS) and the gentleman from New York (Mr. HOUGHTON). The four of us worked on this.

This is a question today about fairness, about using current information. We know that Renewal Communities work. This legislation this evening makes it fair for everybody to become involved. I am pleased to associate myself with the hard work that has been done by the committee staff, as well as both the gentlemen from New York and our friend and colleague, the gentleman from New York (Mr. REYNOLDS).

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

Mr. LAFALCE. I yield to the gentleman from New York.

Mr. REYNOLDS. Mr. Speaker, I thank the gentleman.

I want to salute my two colleagues from Erie County and representing the Niagara frontier, as well as the distinguished gentleman managing the rule from the Southern Tier.

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This piece of legislation does a great deal to help the western New York area. I just want to salute the leadership of the gentleman from New York (Mr. LAFALCE) and the gentleman from New York (Mr. QUINN) for their efforts of making this a reality today as it comes through the House; and, hopefully, we will see that support in the Senate. It will greatly help our area recover.

Mr. LAFALCE. Mr. Speaker, I thank the gentleman from New York (Mr. REYNOLDS) for his assistance with the Republican leadership.

Mr. QUINN. Mr. Speaker, I rise today in support of H.R. 3100.

H.R. 3100 will allow Renewal Communities to amend their boundaries by adding census tracts meeting the program's criteria based on 2000 census data. The 40 Renewal Communities designated by HUD were required to use 1990 census data.

The objective of the Community Renewal Tax Reform Act of 2000, CRTRA, is to stabilize and invigorate distressed communities by providing special targeted incentives directly to businesses. These incentives are designed to expand jobs and business investment by making it more beneficial to stay or relocate in areas that have been experiencing job/population loss.

It would seem logical that those areas that have continued to deteriorate should be eligible to use the most current data available—2000 census—to expand their boundaries.

It is important to note that no existing Renewal Community will be adversely affected. Only those communities that have increased poverty levels and continued to lose businesses and jobs would apply to HUD to amend their boundaries. The same qualifying criteria will apply to adding new census tracts. No Renewal Communities will be able to include more than 200,000 in population. All tracts must be contiguous.

The economic expansion for most of the United States during the decade of the '90s was not experienced in Upstate New York. If NYC is taken out of the equation, New York ranks 49th out of the 50 States in job creation and business expansion during the '90s. The Buffalo/Niagara Falls SMA lost more jobs and population than any city in the country during that time. The August median sales prices for homes sold in the Buffalo area last month was only $85,000, an indicator of the economic conditions.

Finally, there should be no budget impact, as the parameters of the program will remain unchanged. Thank you Mr. Speaker for scheduling H.R. 3100 on the floor of the House of Representatives today. I urge all of my colleagues on both sides of the aisle to support this bipartisan, commonsense legislation.

Mr. LAFALCE. Mr. Speaker, I withdrawal my reservation of objection.

The SPEAKER pro tempore (Mr. FLAKE). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3100

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

SECTION 1. EXPANSION OF DESIGNATED RENEWAL COMMUNITY AREA BASED ON 2000 CENSUS DATA.

(a) IN GENERAL.—Section 1400E of the Internal Revenue Code of 1986 (relating to designation of renewal communities) is amended by adding at the end the following new subsection:

''(g) EXPANSION OF DESIGNATED AREA BASED ON 2000 CENSUS.—At the request of the nominating entity with respect to a renewal community, the Secretary of Housing and Urban Development may expand the area of such community to include any census tract—

''(1) which, at the time such community was nominated, met the requirements of this section for inclusion in such community but for the failure of such tract to meet 1 or more of the population and poverty rate requirements of this section using 1990 census data, and

''(2) which meets all failed population and poverty rate requirements of this section using 2000 census data.

Any such expansion shall take effect as provided in subsection (b).''

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the amendments made by section 101 of the Community Renewal Tax Relief Act of 2000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HOUGHTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3100, the bill just passed.

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

There was no objection.

RECOGNIZING THE IMPORTANCE OF SURFACE TRANSPORTATION INFRASTRUCTURE TO INTERSTATE AND INTERNATIONAL COMMERCE AND THE TRAVELING PUBLIC AND THE CONTRIBUTIONS OF THE TRUCKING, RAIL, AND PASSENGER TRANSIT INDUSTRIES TO THE ECONOMIC WELL BEING OF THE UNITED STATES

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 567) recognizing the importance of surface transportation infrastructure to interstate and international commerce and the traveling public and the contributions of the trucking, rail, and passenger transit industries to the economic well being of the United States, as amended.

The Clerk read as follows:

H. RES. 567

Whereas prior to 1890, the United States lacked a holistic, intermodal surface transportation system that linked rural towns and farmland to urban areas and cities for the purposes of travel and interstate commerce;

Whereas the emergence of the automobile and truck after 1900 created a public demand and economic need for improved roads, highways, and byways;

Whereas the United States transportation construction industry has built 3,900,000 miles of roadways, 200,000 miles of freight and passenger railroad track, and 5,800 miles of mass transit track with more than 2,300 stations;

Whereas the construction of roads and highways requires the skills of numerous occupations, including those in the contracting, engineering, planning and design, materials supply, manufacturing, distribution, and safety industries;

Whereas by 2020 the number of registered vehicles in the United States is expected to grow from 225,000,000 to about 275,000,000, requiring improvements to roads and highways;

Whereas the industries which design, construct, and maintain roads and highways generate $200,000,000,000 for the economy annually and sustain about 2,200,000 jobs;

Whereas the advent of the truck, and technological advances expanding its cargo capacity, dramatically increased the ability of the United States to transport goods more quickly and efficiently;

Whereas the trucking industry had $606,000,000,000 in gross freight revenues, representing 87.5 percent of the Nation's freight bill in 2000;

Whereas intercity trucks logged 1,093,000,000 ton-miles in 1999, representing almost 30 percent of the total domestic intercity ton-miles logged by all modes;

Whereas commercial trucks consumed more than 44,000,000,000 gallons of fuel and paid $30,500,000,000 in Federal and State highway-user taxes in 1999;

Whereas by 2013 the total number of commercial trucks will increase by a third, from 6,000,000 to 8,000,000;

Whereas there were 3,090,000 truck drivers in 2000 and 9,900,000 employed throughout the United States economy in jobs that relate to the trucking industry in 1999;

Whereas trucks transported more than 83 percent of the value of trade between the United States and Mexico and more than 73 percent between the United States and Canada in 1999;

Whereas prior to the development of a national system of roads and highways for automobiles and trucks, the railway system served as the primary mode of interstate travel for the American public and facilitated goods movement throughout the United States;

Whereas America's freight railroads carry more than 40 percent of the Nation's intercity freight, including approximately 70 percent of vehicles from domestic manufacturers and more than 65 percent of the Nation's coal to coal-fired plants;

Whereas railroads in the United States originated nearly 33,000,000 carloads of freight, including more than 9,000,000 intermodal trailers and containers, and had a freight volume of 1,530,000,000,000 ton-miles in 2000;

Whereas on average it costs 29 percent less to move freight by rail in 2000 than it did in 1981 and 59 percent less in inflation-adjusted dollars;

Whereas from 1980 to 2001 Class I freight railroads invested more than $290,000,000,000 to maintain and improve infrastructure and equipment and reduced the number of train accidents per million train-miles by 64 percent;

Whereas the railroad industry employed more than 230,000 workers in 2001, including engineers, conductors, clerks, executives, and maintenance workers;

Whereas railways and railroads move people and commodities in an efficient way and contribute more than $30,000,000,000 to the economy through wages, fringe benefits, purchases, and taxes;

Whereas intercity buses provided passenger and package express service to over 4,000 communities nationwide, most of which have no other form of public intercity transportation;

Whereas intercity buses carry over 770,000,000 passengers annually and provide a variety of services, including fixed-route, charter and tour, airport express, and long-haul commutes;

Whereas intercity buses provide an integral link in the intermodal network serving airports, train stations, and transit hubs throughout the Nation;

Whereas the public transportation system in the United States includes buses, trolleybuses, vanpools, jitneys, heavy railways, light railways, commuter railways, cable cars, monorails, aerial tramways, and ferryboats;

Whereas Americans used public transportation a record 9,500,000,000 times in 2001 and transit ridership has grown 23 percent since 1995;

Whereas public expenditures to operate, maintain, and invest in public transportation systems in America amount to about $23,500,000,000 each year;

Whereas there are more than 360,000 transit employees who work to operate, maintain, and manage America's public transportation system;

Whereas public transit helps to reduce vehicular traffic congestion on roads and highways and leads to cleaner air;

Whereas public transit continues to be one of the safest modes of travel and helps conserve energy and reduce America's dependency on foreign oil; and

Whereas public transit has provided the elderly and millions of Americans with disabilities expanded mobility and freedom to travel United States: Now, therefore, be it

Resolved, That the House of Representatives recognizes the transportation construction, trucking, railroad, intercity bus, and passenger transit industries, and those professionals who design, operate, build, and maintain the rights of way along which trucks, freight trains, buses, and commuter trains travel—

(1) for the immense contribution they make to the economy by facilitating international and interstate commerce;

(2) for their contribution to the freedom of the traveling public which uses roads, highways, and railways for the purposes of business and leisure; and

(3) for their conscientious effort to improve safety, increase efficiency, and better the environment in communities throughout the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

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

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 567, as amended.

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

There was no objection.

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all time allotted to me be allotted to the gentleman from California (Mr. GARY G. MILLER), and I further ask unanimous consent that he be permitted to yield time from that time.

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

There was no objection.

Mr. GARY G. MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of House Res. 567, ''Recognizing the importance of surface transportation infrastructure to interstate and international commerce and the traveling public and the contributions of the transportation construction, trucking, rail, intercity bus and passenger industries to the economic well being of the United States.''

On October 1, I introduced this bill, along with 11 of my colleagues, to show the Congress's gratitude to the men and women who continue to provide America with an efficient and reliable transportation system.

Mr. Speaker, this bill recognizes the vital role the transportation construction, trucking, rail, intercity bus and passenger transit industries play in the United States' economic well-being.

The trucking industry alone has transported more than 83 percent of the volume traded between the U.S. and Mexico, and more than 73 percent between the U.S. and Canada in 1999. There are now 6 million commercial trucks, and that number will increase to 8 million by 2013. Between the growing number of trucks and the fact that the registered vehicles are expected to increase from 225 million to 275 million by 2020, we are fortunate to have such an efficient and reliable transportation construction industry.

The transportation construction industry sustains 2.2 million jobs and has provided us with 3.9 million miles of roadway. America's freight railroads are responsible for carrying 70 percent of the vehicles from domestic manufacturers. America's freight railroads also carry more than 40 percent of the Nation's intercity freight. While the rail industry has met the growing economic demand, it has also lowered the cost of moving freight by 29 percent since 1981. Public train ridership has also grown by 23 percent since 1995.

Public transit also plays a significant role in providing added convenience to Americans' lives. Public transit as a whole helps to reduce vehicular traffic congestion on roads and highways and leads to cleaner air. Intercity buses alone carry over 770 million passengers a year. In 2000, the total public expenditures to operate, maintain, and invest in public transportation systems reached $23.5 billion.

Mr. Speaker, I would like to commend the surface transportation infrastructure community for the immense contributions they have made at both an economic and societal level. The surface transportation community has continually bettered the transport of goods and services and facilitated transit for the traveling public.

I would like to thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) and their staffs for the hard work they have given on this measure. I know I speak on behalf of Congress when I commend the hard-working men and women in the surface transportation industry who are continually giving their services to provide America with a reliable transportation network.

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

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

I rise in support of H. Res. 567, as amended, that recognizes the significance of the surface transportation infrastructure to interstate and international commerce and the traveling public and recognizes the contributions of the trucking, rail, intercity bus and passenger transit industries to the economic well-being of the United States. As the Nation moves toward a more competitive global economy, the state of our surface transportation infrastructure increases in importance. The investments made in the Nation's transportation infrastructure also provide good family wage-paying jobs and contributes significantly to the Nation's health.

Throughout the 107th Congress, the Committee on Transportation and Infrastructure has worked diligently to advocate adequate funding for transportation programs.

Mr. Speaker, I cannot stand here in praise of surface transportation without drawing to the attention of the

House a genuine surface transportation emergency. As we praise surface transportation, we are aiding and abetting the decline and worsening of a major indispensable component of that system. We saw this emergency arise just weeks ago, and we abetted it then. It was clear that Amtrak could not continue to go forward without first emergency funding and then an appropriation that would guarantee the rail service in the United States of America would continue. In fact, the administration came forward with $100 million in loan-guarantee funding, pending congressional consideration of the Amtrak appropriation.

Mr. Speaker, the emergency is now upon us, and it is upon us hot and heavy. The Committee on Appropriations has just denied Amtrak's request for $1.2 billion that is necessary to keep the full system running. Instead, they appropriated $762 million. Now, this amount, and here I am bringing to the floor what the Department of Transportation Inspector General says, is not enough to continue current operations, which he sets at $1.2 billion. This appropriation went down on a straight party line vote.

Now, understand what we have done. These folks say they must have $1.2 billion to continue the intercity railway transportation of the United States, which criss-crosses this country. We have cut it by one-third. I am going to take my time to indicate what that one-third means and what districts in this House are going to wake up without railway transportation if we leave it that way.

This amount is less than one-half of the funding for the entire national network of passenger rail transportation that is now in place. What it means, I say to my colleagues, is this: that in order to get down to this $150 million, which is all that would be allowed to be spent in 2003, 13 of the 18 long-distance train routes would have to go. That is 2.3 million riders. Let me be more specific, because I want to find out, well, how does that break out when we get down to brass tacks. How it breaks out is this, listen for our cities, because these are the cities that are going to be without national intercity passenger rail travel: Dallas, Denver, New Orleans, San Antonio, Salt Lake City, Tucson, Atlanta, Little Rock, Pittsburgh, and Houston. They would lose all passenger service. I am here to sound the alarm. I have not named Washington, D.C., but I believe I must bring to the attention of my colleagues the rollcall I just went through who is in fact in danger.

The administration, despite its study after study, has come forward with absolutely no Federal plan. Instead, it sends the railroad to two sources, one is the private sector. Are we kidding? Do we know why there is an Amtrak? Because the private sector went broke and said to the Federal Government, if you do not take over passenger service, there is not going to be any. There would not be any Amtrak if the private sector could do it unsubsidized. Okay, said the administration, then go to the States. That is even more outrageous, more distressing. Every State in the Union is facing a horrific deficit, every State in the Union. They are running the worst deficits in a generation, and that is because of the sad state of the national economy, not because of anything the States have done. So we are sending them to the States?

The Dow Jones was at a 5-year low today, I say to my colleagues. Check it out. Today it was at a 5-year low. What does that tell us about the national economy? What does that tell us about going to the States to save Amtrak? The States will tell us, at the very least, I gave at the office, because the States have already contributed $1 billion. Where is our contribution of $1 billion?

The administration came forward with something called the Amtrak Reform Council. Oh, how misnamed can an entity be. They have indeed studied the issue, and then they studied it again and they are still studying it. No plan, still. That is a bankrupt strategy; and, I say to my colleagues, if we go home with a third of the amount Amtrak needs cut, we will have a bankrupt railroad system when we return. I do not even want to get into what this means to the economies of certain sections of the country, like the Mid-Atlantic States, the Northeast, and certainly the Midwest States that are going to lose all service.

We subsidize every major form of transportation. I sit on the Subcommittee on Aviation. We just came forward with another subcommittee bill to help aviation out just last week. Thank goodness we give millions to buses and Metro, to roads. That is in our tradition, and I am glad of it. Do we really expect to provide passenger service in the 21st century in our country completely unsubsidized? If so, we would be the only self-supporting rail system in the world. We are not nearly that good, nor is any other society.

Mr. Speaker, we may be the only world economic power in the world today, but if we do not take action before the 107th Congress closes, we will be a second-class transportation power without a fully operating rail system. It would do irreparable harm to our transportation system and to our country to let Amtrak sink. We must do more than pass cosmetic resolutions such as the one we pass today. I ask my colleagues to help me and to help ourselves to save the Nation's passenger railroad system.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H. Res. 567, which recognizes the importance of surface transportation infrastructure to interstate and international commerce and the traveling public, and recognizes the contributions of the trucking, rail, and passenger transit industries to the economic well being of the United States.

The Nation's surface transportation industries, and the workers they employ, have made immense contributions to the quality of life in our communities, the nation's economy, and our competitiveness in the world marketplace. Each day, the American people and American businesses benefit from reduced travel times, increased productivity, and improved safety as a result of their efforts.

Throughout our Nation's history, economic growth, prosperity, and opportunity have followed from the development and operation of the Nation's infrastructure. From the ''internal improvements'' of the early 1800s—such as canals, locks, and roads—to the Interstate Highway System of today, infrastructure improvements have been the foundation of our economic growth. To take just one example, between 1980 and 1991, almost one-fifth of the increase in productivity in the U.S. economy was attributable to investment in highways.

Our Nation's highways, transit and rail systems not only provide the backbone of our economy by moving people and goods, they also employ millions of workers and generate a significant share of total economic output. In 1999, transportation-related goods and services generated 11 percent of our total Gross Domestic Product.

In addition to facilitating economic growth, our transportation system has a significant impact on the daily lives of nearly all Americans. Americans rely on safe and efficient modes of transportation in their day-to-day activities. The average household spends about 18 percent of it income on transportation, more than any other expense except housing.

Surface transportation industries, and the workers they employ, have accomplished a great deal. But their work is not finished. We hope their achievements will inspire a renewed dedication to keeping America's transportation system the finest in the world.

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

Mr. GARY G. MILLER of California. Mr. Speaker, I yield back the balance of my time.

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The SPEAKER pro tempore (Mr. FLAKE). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the resolution, House Resolution 567, as amended.

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

The title was amended so as to read: ''Resolution recognizing the importance of surface transportation infrastructure to interstate and international commerce and the traveling public and the contributions of the trucking, rail, intercity bus, and passenger transit industries to the economic well-being of the United States.''.

A motion to reconsider was laid on the table.

EXPRESSING APPRECIATION FOR PRIME MINISTER OF GREAT BRITAIN FOR HIS LOYAL SUPPORT AND LEADERSHIP IN WAR ON TERRORISM AND REAFFIRMING STRONG RELATIONSHIP BETWEEN PEOPLE OF UNITED STATES AND GREAT BRITAIN

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 549) expressing appreciation for the Prime Minister of Great Britain for his loyal support and leadership in the war on terrorism and reaffirming the strong relationship between the people of the United States and Great Britain.

The Clerk read as follows:

H. RES. 549

Whereas the people of the United States and Great Britain have a history of shared values and mutual respect for one another;

Whereas the Governments of the United States and Great Britain are close allies and share a deep and abiding friendship based on a shared commitment to democratic values;

Whereas the United States and Great Britain understand the commitment to defend freedom and democracy regardless of the costs involved;

Whereas British Prime Minister Tony Blair has displayed exceptional leadership in the war on terrorism; and

Whereas the United States and Great Britain have been provoked into a war on terrorism that threatens the security of both nations: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses sincere appreciation for Prime Minister Tony Blair for his leadership in the war on terrorism;

(2) expresses its deepest sympathy to British victims of terrorism and their families, including the 67 British citizens who were victims of the terrorist attack on September 11, 2001;

(3) commends the efforts of British intelligence and defense agencies for their continued efforts in the war on terrorism; and

(4) reaffirms the strong and special relationship between the people of the United States and Great Britain.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include therein extraneous material on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I want to thank the gentleman from Missouri (Mr. GRAVES) for introducing House Resolution 549 expressing appreciation to the Prime Minister of Great Britain, Tony Blair, for his loyal support and leadership in the war on terrorism and reaffirming our strong relationship between the people of the United States and Great Britain. We know who our friends are in times of need. By this measure, some of our closest friends can be found in the United Kingdom.

Following September 11, our British partners offered critical assistance in military deployments in Afghanistan. They cracked down on terrorist activities in their territory and are working side by side with our forces in Afghanistan. Our Nation is also working closely with the British with regard to intelligence-sharing, asset freezes, and taking joint action to uproot terrorist organizations.

Prime Minister Tony Blair personally has shown an exemplary level of courage and leadership, not only through his support for our campaign against terror in Afghanistan but our campaign to rid the region of weapons of mass destruction and to end the tyrannical rule of Saddam Hussein.

Accordingly, it is fitting that we commend Prime Minister Blair and the British people for their support and steadfastness during these most difficult days.

Mr. Speaker, I urge adoption of this measure.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES. Mr. Speaker, I thank the gentleman from New York for yielding time to me.

Mr. Speaker, I rise today as a proud sponsor of House Resolution 549, a resolution thanking Prime Minister Tony Blair and the British people for their support in this war on terrorism.

Throughout the 20th century, the United States and Great Britain have worked to ensure greater freedom throughout the world. From the victories of World War I and World War II to the collapse of the Soviet Union and the Berlin wall, the United States and Great Britain have stood shoulder-to-shoulder against evil and oppression. In times of war and in times of peace, the British and the American people have a special bond that is unique among modern nations.

Now the world is engulfed in yet another battle against those who seek to terrorize free people. While the face of evil has changed over the past 100 years, our alliance with the British has grown stronger. Through a military alliance that has spanned both a great ocean and decades of war and peace, we have worked together to fight for freedom and restore peace to a world always threatened by tyranny. The strength of our alliance has been enhanced by the strength of the leadership of both nations.

Winston Churchill proclaimed to Nazi Germany and the world that Britain would never fall to totalitarianism. Shortly before the United States was attacked in Pearl Harbor, Churchill proclaimed to Britain and the world: ''Never yield to force; never yield to the apparently overwhelming might of the enemy.''

On September 11, we all witnessed the terrible capabilities of our enemy. But with the help of Great Britain and many other devoted allies, the United States refused to stand down in the face of this deadly enemy. Prime Minister Tony Blair rallied his people and worked tirelessly with countries around the world to assemble support for the cause of freedom. His leadership in this war has been exemplary.

The Prime Minister understands that this war is not about ideology or religion. He understands that the threat posed to America is the same threat posed to his own people. Like America, there is always a voice of opposition, but, again, he understands that this war is about protecting that voice. Because the voice of dissent is one part of the voice of freedom.

From the initial horrors of September 11 to the new phase of the war on terrorism, Prime Minister Tony Blair has stood with America and the cause of freedom. I am personally grateful for his leadership, and I am proud to sponsor this resolution thanking him and the British people for their sacrifices of yesterday and their sacrifices to come.

With the leadership of President Bush and Prime Minister Blair, I look forward to a future where the American and British people live in peace and in a world free from tyranny.

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the remainder of time on our side be controlled by the gentleman from New York (Mr. REYNOLDS).

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

There was no objection.

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

Mr. Speaker, I rise in strong support of this resolution. I would like to commend my colleague, the gentleman from Missouri (Mr. GRAVES), for introducing such a timely resolution.

Mr. Speaker, a nation discovers its true friends in times of crisis. Since the tragedy of September 11, America has found that it has many friends around the globe. Mr. Speaker, we have seen that the United States has a tremendous friend and ally in the war on terrorism in Great Britain. No head of state has been more supportive of the United States in this battle than British Prime Minister Tony Blair.

Since September 11, British troops fought alongside U.S. forces to liberate Afghanistan and to root out terrorists. Britain acted as the lead nation for the international security assistance force in Afghanistan until the mission was turned over to Turkey. Humanitarian aid has flowed from Britain to Afghanistan, and the British government has enacted new counterterrorism legislation.

In short, Mr. Speaker, the United Kingdom has stood shoulder-to-shoulder with the United States in the war on terrorism. In the horrendous terrorist attacks of September 11, Britain

lost 67 of its citizens. The U.S. has expressed its sympathies to the families of these British victims.

Mr. Speaker, British Prime Minister Tony Blair has shown extraordinary leadership in the war on terrorism. This resolution recognizes his leadership and expresses the appreciation of the Congress and the American people. I urge my colleagues to support this resolution.

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

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

Mr. Speaker, ever since a young Staff Sergeant first climbed into an Army Air Force bomber for the first of 35 missions that would win him the Distinguished Flying Cross during World War II, the gentleman from New York (Mr. GILMAN) has been serving his country with honor and distinction. Through a congressional career that spans three decades and, before that, service in the New York State Assembly, the gentleman from New York (Mr. GILMAN) has earned a national and international reputation for leadership, fairness, and compassion.

Whether combatting world hunger or fighting for freedom for those unjustly imprisoned, the gentleman from New York (Mr. GILMAN) has been a recognized leader in human rights and foreign affairs, earning praise for his work from every cosponsor of the globe. But despite his great presence on the world stage, it is evident through his tireless advocacy for those he represents that his feet remain firmly on the ground in his home community of New York's Hudson Valley.

Listing the awards and honors that the gentleman from New York (Mr. GILMAN) has earned throughout his career would take far more time than allotted, but they are tremendous evidence of the fondness and the respect that the gentleman earned throughout his career from those he has so passionately and ably represented.

As the dean of our New York delegation, the gentleman from New York (Mr. GILMAN) has been looked to for his leadership and counsel. On so many issues that affect not only his district but our entire State, our Nation, and the globe, the gentleman was there fighting just as hard, just as passionately for every resident of our State.

Mr. Speaker, on behalf of my community, my State, I want to extend my thanks to the gentleman from New York (Mr. GILMAN) for all he has done to make New York a better place. His wisdom, commitment, and leadership will be sorely missed.

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

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

Mr. Speaker, I would like to take this opportunity to honor one of my closest friends and colleagues who has announced his retirement, a great friend of us all, the gentleman from New York (Mr. GILMAN), and I do mean gentleman.

The gentleman from New York (Mr. GILMAN) has provided 30 years of service in the House, representing Orange, Rockland, Sullivan, and Westchester Counties. The gentleman from New York (Mr. GILMAN) has a distinguished record in the U.S. Air Force: from 1942 to 1945 as a Staff Sergeant in the 19th Bomb Group of the 20th Army Air Force flying 35 missions over Japan and earning the Distinguished Flying Cross and the Air Medal with Oak Leaf Clusters.

Here in the House, he served as ranking minority member on the Committee on Post Office and Civil Service from 1989 to 1993, earning the reputation as a key spokesman for a safe, equitable workplace for civil service and postal service employees.

Of course, probably the most distinguished thing that the gentleman from New York (Mr. GILMAN) has done in the House has been the 6 years he served as chair of the Committee on International Relations. What a sterling chair he was. He and his wife Georgia and myself and my wife have been friends. We have taken trips, and we have done so many things together. I really treasure our friendship.

In reapportionment, districts change. My district takes over some of the area that the gentleman from New York (Mr. GILMAN) has represented so ably for 30 years in Rockland County.

I just want to make my colleagues aware of what happened about a month ago in Rockland County. There was a tribute to the gentleman from New York (Mr. GILMAN) which was on local cable. I went there to offer my words of tribute, and the place was packed. You could not even get in the room, there were so many people in so many walks of life, from both political parties, all kinds of community people going and singing their praises about the gentleman from New York (Mr. GILMAN).

Everybody was saying the same thing: There was no better person who was more dedicated, who was just an all-around wonderful individual, who loves his job. People say in Rockland County, if there are two people in the room, the gentleman from New York (Mr. GILMAN) would be there, because he realizes that it is his responsibility and his honor to be there.

When I think of the kind of representative that we all try to be, I can think of no better role model than my good friend, the gentleman from New York (Mr. GILMAN). I want to say that New York's loss is certainly going to be the United States' gain, because we know that the gentleman is going to continue with public service and have a position of even higher importance.

As the dean of our delegation, as somebody who has worked so hard on the Republican side, the dean of the Republican side, there has been no truer friend to all of us in New York than the gentleman from New York (Mr. GILMAN). So I want to say to the gentleman that it has been a pleasure and an honor to be his friend, to be his colleague. We will always be friends.

Again, in Rockland County, it is very big shoes to fill. While no one can really fill the gentleman's shoes, I am going to try just a little bit. So I thank the gentleman, and I know that he is going to move on to bigger and better things, but we are going to remain close and remain friends, because that is the kind of person that the gentleman is.

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

Mr. REYNOLDS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, we are here in form, importantly, to discuss a resolution about the Prime Minister of England, about Tony Blair. It is fitting that we are here paying tribute to someone who is standing with America in tough times, because the gentleman from New York (Mr. GILMAN) has always stood for America in tough times.

It has been my privilege to serve with the gentleman from New York (Mr. GILMAN) for 14 years here in Congress, but the gentleman's career goes back many more years before that. His whole life has been devoted to service to his country.

We can see in this unique combination of good manners and high honor on the one hand and toughness and courage on matters of substance on the other hand that in the annealing fire of combat in World War II the gentleman from New York (Mr. GILMAN) was tested and found completely capable of taking on the challenges of our country. He was a Staff Sergeant in World War II in the 19th Bomb Group of the 20th Air Force. He flew 35 missions over Japan, and it is during that time that he earned the Distinguished Flying Cross, as my colleague, the gentleman from New York (Mr. ENGEL), mentioned, in addition the Air Medal with oak leaf clusters.

He came home from defending America overseas to defend America at home, working as the Assistant Attorney General of the State of New York. He also served as counsel to the State legislature, and then went on to become a member himself for 3 terms.

He then went on to serve 15 terms in this body, and he has attained every honor that this House can bestow. He has been chairman of the Committee on International Relations, chairman of the Subcommittee on the Middle East and South Asia, vice-chairman of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources of the Committee on Government Reform, and the list goes on.

When I first brought a bill to the floor of this House in 1989, it was a human rights measure to grant refugee status to Ukrainian Orthodox and Ukrainian Catholics who were being persecuted in the Soviet Union.

□ 2000

And BEN GILMAN was here on the floor arguing in support of my bill.

During my entire time here, BEN and I have worked together on issues that we both care about, including the Congressional Human Rights Caucus. We have served together on the Committee on Government Reform.

Since 1994, BEN has been a leading member of the Republican Policy Committee, which I chair. He chaired the Speaker's Working Group on North Korea, on which I was privileged to serve, and brought so many of the issues of human rights abuses and the threats of weapons of mass destruction to the world's attention there. We worked together on the Speaker's Advisory Group on Russia, and BEN'S experience and knowledge of U.S.-Russia relations has proved to be a tremendous asset in helping to shape that report on a decade of U.S.-Russia relations.

Together we have co-sponsored countless bills, including the Eastern European Democracy Act, the Taiwan Security Enhancement Act, and the Iraqi Liberation Act. BEN and I worked closely on the Iraq bill frequently mentioned in newspapers these days and around the world; it is now getting comments because of its emphasis on regime change. I was honored to be the sole co-sponsor of that bill, which passed this House on a vote of 360 to 38 4 years ago on October 5, 1998.

As evidenced by the current debate in Washington, BEN'S legislation calling for support for the Iraqi opposition groups that would foster regime change in Iraq was farsighted, necessary and important and will be the follow-on policy after this current conflict.

Mr. Speaker, I have the utmost respect for the gentleman. He is one of the best friends that I will have in my career. He has a knack for moving beyond partisan lines because he always stands for what is right and that always attracts followers. I hope that the gentleman and Georgia and his family will now have a little bit of quiet time now that he is moving on from the House. But I know that he will not have a whole lot more time because I know he will remain as a leader for the United States, and in all the things that I expect he will be doing, the gentleman can count on my support and his colleagues' support; and I wish the gentleman Godspeed.

Mr. ENGEL. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means and the dean of the New York delegation.

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

Mr. RANGEL. Mr. Speaker, so many times we see Republicans coming on over to the Democratic side and Democrats going on the other side and some of the newer Members wonder, What is that all about? Well, it is about what they call the good old days. The days where people were elected to represent their districts and at the same time thought that we could disagree without being disagreeable. And if they had any problems in trying to figure out what type of legislator that I am talking about, I refer them to my friend, my brother, my colleague, BEN GILMAN. And I say ''brother'' because we can have a lot of problems with our brothers, especially on some of the votes that he is being lauded for on the other side.

But one thing is abundantly clear, that he believed in everything that he was doing, and that he would put himself out of the way to try to listen to the problems of different people in different parts of our country or in different parts of the world.

BEN and I traveled all over fighting the scourge of drugs. It was one task force that no one really volunteered to go on. We went into the mountains, the valleys. We stood in Colombia and saw what the rebels have done. We have known the list of people that have died in these countries fighting the drug traffickers. We went into Mexico and saw just how corrupt they were and stood up against them. And I do not think in any of these countries whether anyone knew who the Democrat was and who the Republican was because we went there together as Americans. We went to the United Nations as Americans, and we worked and fought on so many issues that both of us are proud of. We have so many friends outside of the Congress; and, indeed, I was so privileged to be a part of his wedding to his beautiful Georgia.

I do not know basically what he wants for the future. And I do not even know how his political career was cut so short so fast. But I know one thing, whatever he decides to do with the rest of his beautiful life, that I am not going to allow what happens in this floor or what happens in Albany to stop the wonderful friendship that my family has enjoyed with Ben and his family over the years.

And for the new Members, if they do not know what I am talking about, ask people about BEN GILMAN. Members can do their job and be faithful to their party. Members can fulfill their commitment to their constituents and their country, but they just do not have to be mean-spirited about it.

We love BEN and we are going to miss him.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. MCHUGH) of the north country.

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

Mr. Speaker, I had another appointment, and I was disappointed because I thought I would not have the chance to be here; but I did not want to let this opportunity go by without joining in at least for a few moments in adding my words of great admiration and best wishes to a very, very dear friend and a remarkable colleague, BEN GILMAN.

Mr. Speaker, as we have heard and we will continue to hear, BEN has accrued a litany of achievements, any fraction of which would make each and every one of the 435 Members of this House very, very proud. During his 3 decades of service to his constituents and the American people, BEN has done so much for so many, not just here at home, but BEN, as we have heard, through his leadership on international, particularly, humanitarian and veterans issues.

It is indeed, as the gentleman from New York (Mr. RANGEL) suggested, disappointing that politics beyond the control of an individual politician takes away from our ranks such an illustrious Member. And, frankly, Mr. Speaker, that is the only way that BEN GILMAN could have been removed. Because as former House Speaker Tip O'Neill said, ''All politics is local.'' And the local people of New York State understood the compassion and great devotion that BEN brought to this job and has brought each and every day.

Former President Truman said, ''If you need a friend in Washington get a dog.'' Well, if President Truman was with us today, I think he would amend that to saying ''or BEN GILMAN.'' A leader, a compassionate man, a dedicated legislator to those principles which have guided him his whole life, but to those of who have known him perhaps best, always a friend. Something that is unfortunately very, very hard to find in Washington.

I had the honor of serving with BEN not just on the Committee on International Relations, admiring and looking in amazement at his leadership as he guided that somewhat difficult committee at times to do even better things as each individual Member would have envisioned unto him and herself; but also on the Committee on Government Reform where I had the chance to serve as chairman of the Subcommittee on Postal Service, BEN was there every minute providing guidance and instructions and leadership.

So to BEN and Georgia, we certainly wish them every continued success and Godspeed, and on behalf of not just the New York State delegation and his colleagues but all Americans. We thank him so much for his service.

Mr. ENGEL. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I join the other Members of this House in paying tribute to a great veteran in service of his country, BENJAMIN A. GILMAN.

It has already been mentioned how he served this country as a member of the United States Army Air Corps in the Second World War, rising to the office of Staff Sergeant and serving in 35 missions, and how he earned the Distinguished Service Cross in service to his country.

BEN GILMAN also went on to serve his country in the State legislature of the State of New York, serving for 3 consecutive terms before he was elected to the United States House of Representatives in 1972 where he has served for 3

decades in elegant and effective service to his constituents in New York and the people of this country.

I can remember the day in 1972 when BEN was elected. In fact, the day after he was elected, because on that day he did something which is unusual for a successful candidate for public office. The day after he was first elected to the House of Representatives, that next morning, that morning he was on the street of Middletown, greeting people and thanking them for their support in electing him to this distinguished office. In the 3 decades that he has served here, he has provided great service to the people of our State and this Nation. But mostly he will be recognized for his service on the Committee on International Relations and its predecessor and his tenure as chairman of that committee for three successive terms. He will be recognized as a staunch and just defender of the State of Israel. And in addition to that, he will also be recognized as one who stood for the oppressed minority everywhere in the world.

BEN GILMAN is a great defender of human rights. And he has not cared what the human in that sentence looked like or how they prayed or how they behaved. No matter what their individuals circumstances, all he had to know was that they were suffering in some way and that way was unjust, and he was there rushing to their side in all corners of this globe.

It is a pleasure to have served with him now for this past decade, to have known him personally as a friend and as a colleague, and to stand here this morning with the rest of the Members of this House to pay tribute to his great service as an outstanding veteran in service to this country.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I come to the floor today to honor my friend and colleague from New York. In our military, for New York State government, and for the last 30 years here in the House, Ben Gilman has always been there for his country and for his fellow citizens. And I am honored to have had the opportunity to work with an individual like Ben, who has dedicated so much of his life to public service.

As we all know, as we have all heard, he has had a very distinguished career in this body and has been a great leader for us on many fronts as chairman of the Committee on International Relations. But I also want to say something about Ben's dedication to the interest of his constituents in the Hudson Valley. Those of us in the Hudson Valley have been particularly fortunate to have Ben here in Congress. He has been a tireless advocate for focusing Federal resources on the area's needs; and he has been a tremendous partner, and he has been a teacher for me in working to improve the region and to bring forth the work on the important issues of our area. The Hudson Valley has benefited greatly because of Ben Gilman's service in this body.

Mr. Speaker, I want to thank the gentleman today for his service to the Hudson Valley, to the State of New York, and to this Nation. I thank the gentleman so much for being the person that we all so admire for what he has done for all of us.

Mr. ENGEL. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. ACKERMAN).

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

Mr. ACKERMAN. Mr. Speaker, I would just like to point out to our colleagues and the American people who might be listening that we are talking about somebody who is alive and well. These kinds of speeches are usually made about somebody who has passed from the scene. But Ben Gilman is an actual living legend here in the Congress and in this great land of ours.

Mr. Speaker, I have been privileged the years that I have been serving here in the Congress to have served just about my entire congressional career on the Committee on International Relations with the gentleman from New York (Mr. GILMAN). We sit on opposite sides of the aisle, and we have done that throughout our careers; and I have to state that there is nobody that has more respect than does Ben Gilman for both sides of the aisle and within the ranks of our committee.

We do not always agree on every single issue, but we have to respect Ben for the positions he takes and the things that he fights for, many of which, if not 99 percent of them, I associate myself with.

□ 2015

I want to point out to some of the Members, especially some of the younger Members of the House, that some of the most important things that they can do here, because especially with the dimension that our world is taking today, is to travel. I have had the pleasure of going on quite a number of trips together with Mr. GILMAN, both when our party was in the majority and when his party was in the majority and he was the Chairman; and we learned so much on those trips, not just about each other, which is very, very important, but about the rest of the world.

BEN did not travel to those parts of the world where people think a person goes to because they are luxurious and they are vacation spots. I remember once we went to India together and we flew over there courtesy of the Air Force, and when we got there, one of the things we were going to do besides visiting people of all kinds was to meet with His Excellency, the Dalai Lama. There had been a tremendous typhoon that had come through the night before. The Air Force thought it might be dangerous and then figured out that indeed our Air Force plane could not go up to the mountain where the Dalai Lama was.

BEN was able to talk to the people within the government of India. They provided us with a flying boxcar that could actually get up there and land, and we did that. It must have been close to 120 degrees in that plane without windows. Our lunch melted. And yet BEN was so determined that we meet with His Excellency, the Dalai Lama, that we made that trip, a very, very difficult trip.

BEN and I have gone up mountains together. We have done that in Colombia where, in meeting to fight the scourge of drugs, something in which you have been a leader in for three decades now, recognizing that problem way before almost anybody else in this House of Representatives, it took close to 1,500 of the national police of that country to protect us when we stood overnight there against the drug lords in Cartagena.

So many trips, so memorable, some with our wives when they were not as dangerous as others.

Just on a personal vote, to give my colleagues the dynamics of this man's career, I have been serving in the House for 20 years. I was not born when BEN GILMAN was flying those missions in World War II, in the Army Air Corps, serving with my dad. That is how long BEN has been serving this country.

When I grew up as a little boy, sharing a religion and a tradition that BEN GILMAN does, one that is really a very small percentage, a small minority in this country, there were very few people of my faith to look up to as role models in the business of politics, elected office in America in those days. My mom told me that there was this guy in our State in New York named BEN GILMAN, who was a great American, who stood for great principles and great values; and he was somebody that we could all look up to. And, indeed, I did; and it was a blessed day that I was elected to be able to serve side by side with BEN GILMAN and to fight with him for so many of the causes that all of us believe in. For that, I have to tell BEN, for that, all of us are very, very grateful; and we thank him for his great service.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. HOUGHTON), the senior Member from the western part of the State.

Mr. HOUGHTON. BEN, how do you feel about all these nice words being said about you? Just do not inhale them.

Mr. Speaker, I would like to do a little more personal approach. BEN has had a distinguished career. He has been here for 30 years, been chairman of the Committee on International Relations, been on many CODELs, co-chairman of the New York State delegation, been absolutely wonderful, but, more importantly than that, I would like to say something to BEN. He has been a mentor.

The two best friends I have had in this Chamber have been Hamilton Fish

and BEN GILMAN. Hamilton is no longer with us; and, along with his lovely wife, Georgia, they have been wonderful friends of Priscilla's and mine. But, more important, when a Member comes here, and I did not know anything about politics, I had never been in politics before, BEN took me under his wing and was always there for me.

They say a friend in need is a pest. Never would BEN. He was always there, always honest, always leading, always inclusive. I cannot tell BEN how much I appreciate that friendship, and I trust and hope it will continue. So, Mr. Chairman, Charlie, my great friend, sergeant, we are going to miss you.

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

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Hamburg, New York (Mr. QUINN).

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

Mr. QUINN. Mr. Speaker, I appreciate the gentleman from western New York yielding me the time, and for a minute, I am going to read off the script, because what I want to say comes from here, not from the paper.

I am a former educator before I came to Congress, without any political experience, much like the gentleman from New York (Mr. HOUGHTON); and a lot of people teach things in a lot of different ways. A person teaches in the classroom, they teach through books, they teach through lecture, but they also teach through example. I have only been here for five terms, but I want BEN to know that, from a perspective of a newer Member, he was teaching, he was helping, he was advising, and he probably did not even know it, for people like me, for some of the younger men and women who were here.

We look around and our staff will say, they will us to get some dear colleagues signed. Our staff will tell us to go out and call some people to get some support of a bill on either side of the aisle. We are next-door neighbors in the Rayburn building, and the example my staff always tell me is go do it the way BEN GILMAN does it. For someone to have served that length of time here and to still approach the job that way, with the vim and the vigor and the vitality of a freshman, says a lot for you and the way you approach your work in this Chamber, and it does not go unnoticed. It has not gone unnoticed.

I speak for many not only in our delegation but in the House on both sides of the aisle. That is a real teacher. That is a real friend for all of us here. All I want to say is that, on behalf of the people in western New York, as you have touched people all across your district and the State, the country, the world, for that matter, on behalf of the New Yorkers in western New York State, I want to say thanks to you and to your wife for the job you have done for all of us, not only as constituents but the way we have learned as Members to do the job the right way.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Syracuse, New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I thank the gentleman from New York for allowing me the time to speak.

Everyone who has spoken so far from our delegation in New York about BEN GILMAN mentioned that BEN was here when we came. One of the remarkable traditions of any great society is the oral tradition. The intelligence and the traditions and the history of the Congress have been handed down from BEN GILMAN'S generation to our generation.

When I came, BEN took me under his wing immediately because he served with my father, and he still asks about my dad to this day. That is the kind of man that BEN GILMAN is. But he took time for everyone, not just his colleagues here in the Congress but for his constituents, for people who came to him from around the world looking for help to support their nascent democratic movement. They always had a listener in BEN GILMAN.

He has been a legislator, chairing one of the most important committees in the Congress, but he stopped to deal with other Members on issues that were germane and important to his own constituency. When there was a disaster in his district for onion farmers because of bad weather, every single day I saw him on the floor he reminded me not to forget the onion farmers.

He always had a letter under his arm looking for dear colleagues to support constituencies throughout the world, in Ireland where he has been such a great leader, such a remarkable leader; and I hope he stays engaged because their troubles are not behind them yet. And Israel, another country that has seen more trouble than its share, BEN has always been a friend. I guess that is the way I could find to describe him, a friend.

When we look BEN GILMAN in the eye, we see a lot of things. We see sincerity. We see a man who has lived a joyous life, but most of what we see is kindness, kindness for anyone who reaches out to him. He returns it a hundredfold, and I thank him for his friendship and his kindness and for his service to the country.

Mr. ENGEL. Mr. Speaker, I yield myself 30 seconds.

I just want to say, because it has been said so many times before, if you have gone on trips with BEN GILMAN there has been no one who worked harder than BEN on these trips.

I just want to say, after Ground Zero, all of us as New Yorkers after September 11, a few days later we all went to Ground Zero when President Bush went there. I think it was 3 days after the tragedy, and BEN was just going around to the firemen and the policemen and all the people there, consoling them, speaking with them, people from his district who will now be in my district. That is just the kind of person he is.

Finally, I want to say, BEN has fought long and hard, and there is no better friend of the State of Israel than BEN GILMAN. I think BEN has heard all his colleagues saying all the things about him that we all feel from the bottom of our hearts. We love you.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from New York for yielding me the time; and I wish to join my colleagues this evening in paying special tribute to our dear and able and incredibly hardworking Member of this House, Congressman BEN GILMAN of New York, an ambassador for our country at home and abroad, someone whose knowledge is unparalleled.

As I said recently to the Governor of New York, when the day comes for BEN GILMAN to cast his last vote here, I would hope that there would be a way for him to become an ambassador at large. I would give him without portfolio, and I would give him the toughest problems in the world, and we have sure got a couple of those right now because I know that I would have a completely honest, extraordinarily knowledgeable, very experienced diplomat, someone who understands the Congress and who has dedicated his life to building peace, to building understanding, to building alliances and maintaining those alliances, understanding the importance of those alliances and knows world leaders on a first-name basis.

There is not a corner of the world where he cannot go and be received. So I think it is important for the American people to know that the institutional memory that exists with this man is unparalleled in the executive branch. I cannot find one person over there, regardless of administration, that can compare to what this man has done.

So I wanted to add my words of commendation this evening to urge the Bush administration to give BEN a very brief sabbatical and then give him a really hard job and he would have entree here in the Congress whenever he would choose to come back.

I want to thank him for his deep friendship on both sides of the aisle, to his wife, Georgia, who is his constant companion, to his family. Thanks to the citizens of New York for sending this incredibly gifted man to serve in this House.

Mr. ENGEL. Mr. Speaker, I agree that we ought to give BEN the hardest job and he will handle it very easily.

I have no further requests for time, and I yield the balance of my time to the gentleman from New York (Mr. GILMAN).

Mr. REYNOLDS. Mr. Speaker, we have heard from the speakers tonight and many members of the New York delegation, on both sides of the aisle. The ranking member has yielded his time. I yield the balance of my time to

the gentleman from New York (Mr. GILMAN), in salute to him, the dean of our delegation, and his wife, Georgia, who is in the balcony, for his closing remarks.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FLAKE). The Chair reminds all Members that it is not appropriate to refer to guests in the gallery.

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

□ 2030

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from New York (Mr. REYNOLDS) for yielding me this time, and the gentleman from New York (Mr. ENGEL) for his kind remarks, and for all of my colleagues who were so kind in their expressions of support.

As the House finishes its work for this year and the 107th Congress draws to a close, it is with deep regret that due to my involuntary retirement as a result of redistricting I will not be returning to Washington in January for the opening of the next Congress.

I came to Washington 30 years ago, and I had the honor and privilege to represent our Hudson Valley region of New York, our State, and our Nation during that period of time. That has afforded me the opportunity to witness and to participate in a great number of significant events in our history: from Watergate, the Vietnam war, to the fall of the Berlin Wall, the end of the Cold War during the 1980s and 1990s, two Presidential impeachments, the Gulf War, and most recently the World Trade Center attacks and our war on terrorism.

I am particularly proud to have been part of reorganizing our State Department, helping to free some political prisoners in Mozambique, Cuba, the Soviet Union, and other nations, fighting our war against drugs, accounting for other MIAs and POWs, working to eliminate world hunger, extraditing criminals from foreign lands, and establishing our international scholarships program.

In looking back, it has been especially gratifying to see how much, along with many of my colleagues and staffs, how much we have accomplished in promoting peace in Northern Ireland, in Afghanistan, in India and Pakistan, in Sri Lanka, and the Middle East, and knowing that after I leave here that my colleagues' good work is going to continue in those directions. And knowing that our work is not done, I look ahead with optimism for opportunities which may arise for me to be able to contribute to make a difference.

I thank my staff, many of whom have been with me for more than a decade, for their dedication and their hard work. They have been invaluable to Georgia and to me through our years of service, and I wish them all success in their future endeavors. And I hope that my colleagues will look out for them when they are seeking new positions.

It is hoped that somehow we have motivated our young people to recognize that an average young person from any small town with enough determination and perseverance can become a leader, a Congressman, and have the opportunity to make a difference in our world. I have always held the position of Congressman in the highest regard and tried to do my best to serve our constituents and our neighbors with the dignity that is befitting this office.

When I announced my candidacy for the House of Representatives back in 1972, it was beyond my wildest imagination that I would still be here after these many years working on behalf of our constituents. I thank my colleagues on both sides of the aisle for your warm friendship and your brotherhood. It has been a privilege to serve alongside all of you, and it is with heavy hearts that Georgia and I have to say good-bye to this great body at the end of this session.

God bless you all, and I thank you for your kind words.

The SPEAKER pro tempore (Mr. FLAKE). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, House Resolution 549.

The question was taken. The SPEAKER pro tempore.

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

Mr. LATOURETTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

TONY HALL FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5335) to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the ''Tony Hall Federal Building and United States Courthouse''.

The Clerk read as follows:

H.R. 5335

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

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, shall be known and designated as the ''Tony Hall Federal Building and United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Tony Hall Federal Building and United States Courthouse''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Oregon (Mr. DEFAZIO) each will control 20 minutes.

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

Mr. LATOURETTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Springfield, Ohio (Mr. HOBSON), the author of the legislation

Mr. HOBSON. Mr. Speaker, the legislation I introduced has been cosponsored by every member of the Ohio congressional delegation. It would permanently name the Dayton, Ohio, Federal building in honor of our good friend and just recently our former colleague, Tony Hall.

Tony Hall is a gentleman. He has made Ohio and this country better by his service here, and he has moved on to make the world a better place as the United Nations Ambassador for Hunger. I would urge every Member of Congress to support this piece of legislation.

For years, Tony Hall and I worked together for the benefit of the citizens of the Miami Valley on numerous projects and initiatives. I am very happy that he can now work directly on hunger issues at the United Nations, but it was still very sad to see him leave the House.

Tony has been a football star, a Peace Corps volunteer, a noted world traveler, a devoted husband and father, and a dedicated public servant. Tony has become the area's longest-serving Congressman and a three-time Nobel Peace Prize nominee known worldwide for his humanitarian work.

In Congress, Tony always was guided by faith and family. He spent 21 years on the House Rules Committee, was chairman of the House Democratic Caucus Task Force on Hunger and was founder and chairman of the Congressional Hunger Center.

We are all better people because Tony Hall was in Congress, and now the world will be a little better off now that Tony will be working with the United Nations.

This legislation is a lasting way to pay tribute to Tony's efforts over the years, and I urge all of my colleagues to support this bill.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume and first wish to thank the gentleman from Springfield for his remarks.

It is a personal honor that I rise today to bring this legislation forward honoring our former colleague and distinguished Ohioan, Tony Hall, to the floor. H.R. 5335 designates the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the Tony Hall Federal Building and United States Courthouse.

For over 40 years, Tony Hall has dedicated his life to helping others and serving this Nation. When Tony graduated from Denison University in 1965 as a Little All American running back, he began his public service by joining the Peace Corps, where he spent 1966 and 1967 teaching English in Thailand. And I noted at the markup we had in

our full committee that the gentleman from Minnesota (Mr. OBERSTAR), our ranking member of the full committee, also engaged in such public service.

Upon his return to his native Dayton, Tony was drawn to a career in public service, and at the age of 26 put himself up as a candidate for the Ohio House of Representatives, an election he won despite facing an experienced opponent. Tony ably served in the Ohio House from 1968 to 1972 before being elected to and serving in the Ohio Senate from 1972 to 1978.

In 1978, Tony was elected for his first of 12 terms in this body. During his tenure here, Tony was a tireless and outspoken advocate for combating world hunger, protecting human rights, and promoting humanitarian causes, including basic education, adult literacy, immunization, and other child survival programs and sustainable agriculture in other countries.

He served as the distinguished chairman of the House Select Committee on Hunger from 1989 until it was abolished in 1993. In protest of this decision, Tony engaged in a hunger strike that lasted 22 days, only ending after the creation of the Congressional Hunger Center, which he chaired from its inception until he left the Congress.

Tony also served with distinction on the Committee on Rules, in addition to numerous other committees and caucus assignments. In 2002, Tony resigned his seat to accept a Presidential appointment as United States Ambassador to the United Nations Food and Agriculture Agencies. This is an appropriate honor to a dedicated public assistant.

Mr. Speaker, I would like to congratulate my fellow Ohioan on a distinguished career thus far, and I am sure we all wish him great success as he moves on to a new position from which he can continue his work to help others.

As the gentleman from Ohio (Mr. HOBSON) indicated, it is indeed, I think, a fitting tribute, in a sometimes fractious and partisan body, that every member of the Ohio delegation, whether Republican or Democrat, is a cosponsor of this legislation. It is my honor to be a cosponsor. I urge my colleagues to adopt this matter.

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

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this legislation.

Mr. Speaker, H.R. 5335 is a bill to designate the federal building and courthouse in Dayton, OH, as the Tony Hall Federal Building and United States Courthouse, in honor of our former colleague from Ohio, Tony Hall. The bill has strong bipartisan support.

Tony Hall is a true son of Ohio. He was born in Dayton in 1942. After attending local schools he graduated from Denison University in 1964. He was accepted into the Peace Corp and served as a volunteer in Thailand from 1966 until 1968. Upon his return he was elected to the Ohio House of Representatives, and in 1972 he was elected to the Ohio Senate. In 1978 he was elected to the House of Representatives where he service for 11 terms. tony Hall currently serves as the United States Ambassador to the United Nations Agencies for Food and Agriculture.

Tony Hall was founder and cochair of the Congressional Hunger Center, a nonprofit organization created to bring awareness to the growing and persistent problems of world hunger. He also served as chairman for the House Select Committee on Hunger from 1989 until 1993. Congressman Hall sponsored legislation to help immunize the world's children against major diseases, and to increase U.S. funding for Vitamin A and C.

His passion for protecting and ensuring human rights and combating hunger brought Congressman Hall to such places as North Korea, Peru, Sudan, Bosnia, Rwanda, Somalia, Bangladesh, and Haiti. In 1994 he helped nominate Bishop Carlos Belo for the Nobel Peace Prize for the Bishop's role in protecting civilians during armed conflict.

Congressman Tony Hall was an exemplar for his unswerving commitment and sustaining contributions to promoting humanity and peace in a world stricken with poverty and worn by war. This designation is a fitting tribute to his exceptional public service.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the distinguished gentleman from Oregon for yielding me this time, and I offer my strong support of this wonderful, wonderful resolution that was entered initially by Ambassador Tony Hall's neighbor, the gentleman from Ohio (Mr. HOBSON), with the strong support of the Ohio delegation and the full cooperation of the gentleman from Ohio (Mr. LATOURETTE). How fitting it is that 200 West 2nd Street, the Federal building and courthouse in Dayton, will now permanently be named in honor of this really incredible Ohioan, who has traveled the world on behalf of the most downtrodden people, those who are starving, those who live in undemocratic places, those whose futures are truly bleak, and who has tried to be a voice for them in the world community, in the United States at the United Nations, and now as U.N. ambassador to the food and agriculture organization.

I think it is so magnificent that Congressman Hall comes from a part of Ohio that understands agriculture well and yet he was a city boy. I walked with him many times through the food banks across this city, across the city of Dayton and across this country. I can remember when he and Bill Emerson and Mickey Leland traveled together across the world and began the germ of the idea of a hunger caucus here inside the Congress of the United States, and bringing young people here to learn about not just America's needs and the food pantries needs of our country, but indeed the starving people of the world.

I know the people of Dayton are justly proud that they have sent their favorite son in service to the Nation not just in the Peace Corps in one country but in the cause of peace globally. So I wish to thank the gentleman from Ohio (Mr. HOBSON), the gentleman from Oregon (Mr. DEFAZIO), and the gentleman from Ohio (Mr. LATOURETTE) on behalf of the entire Buckeye delegation here for so properly recognizing the historic work of former Congressman and Ambassador Tony Hall.

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

Mr. LATOURETTE. Mr. Speaker, I yield myself the balance of my time only to thank not only my colleague, the gentleman from Ohio (Mr. HOBSON), but also my colleague, the gentlewoman from Toledo, Ohio (Ms. KAPTUR), for being here this evening.

Mr. Speaker, I think all Members would recognize that the mark of a Member is that it is easy to be elected if you are a Republican from a safe Republican seat; it is easy to be elected as a Democrat if you come from a safe Democratic seat. But Tony Hall's seat was marginally Republican, and the people continued to elect him and reelect him because of his outstanding work not only for his community but the Nation and the world.

Mr. OBERSTAR. Mr. Speaker, I am pleased to support H.R. 5335, a bill to designate the federal building in Dayton, OH, in honor of our former colleague Tony Hall.

Tony Hall was elected to his first term in the U.S. Congress in 1978. He went on to serve 11 consecutive terms. Congressman Hall's long career in public service is distinguished by his unwavering commitment to humanitarian causes, in particular to combating hunger in this country and around the world.

I witnessed the commitment first hand in 1983 when I traveled with Congressman Hall and two other colleagues to Kansas City. At a time of high unemployment in our country, the Federal Government was storing surplus milk, butter and cheese in Kansas City. Congressman Hall was determined to focus national attention on this issue and press for the release of this surplus food into general distribution. He even went on a hunger strike to compel the government to release the stored food. As a result of these efforts, the stored food was eventually distributed to homeless shelters and the general public.

Throughout his career, Congressman Hall focused on helping those in need. He promoted economic development that created jobs, championed efforts to ease food-stamp reductions, and in 1997, he spearheaded the ''Hunger Has A Cure'' campaign.

In the international arena, Congressman Hall visited numerous countries around the world in an effort to focus attention on the problems of world hunger and to promote international aid. He was part of the first congressional delegation to Ethiopia in the

99th Congress, and he traveled to Bangladesh to observe disaster relief programs in the 100th Congress. Congressman Hall also helped create the Select Committee on Hunger, which focused on the problem of hunger both domestically and internationally. He served as chairman of that Select Committee from 1988 until its elimination in 1993.

Congressman Hall continues to work to banish world hunger and promote developmental assistance. In 2002, President Bush appointed him Ambassador to the United Nations Agencies for Food and Agriculture.

This bill to designate the ''Tony Hall Federal Building and U.S Courthouse.'' is a fitting tribute to the compassion and humanity with which Ambassador Hall conducts his public service.

I urge my colleagues to support H.R. 5335.

Mr. WOLF. Mr. Speaker, I rise in support of H.R. 5335, to designate the Federal Building and United States courthouse at 200 West 2nd Street in Dayton, OH, as the ''Tony Hall Federal Building and United States Courthouse.''

As you know, Mr. Speaker, our former colleague Tony Hall was nominated by President Bush to be the United States Ambassador to the United Nations food and agriculture agencies located in Rome, Italy, and resigned his seat as the representative of the 3rd District of Ohio last month to take his post in Rome, where he will be able to continue his passionate work as a leading advocate for ending hunger and promoting food security around the world.

I want to thank Congressman DAVID HOBSON of Ohio for introducing H.R. 5335 to honor Tony in his hometown of Dayton by attaching his name to the federal building and courthouse there. It is an appropriate recognition for the nearly 24 years of service in the House and the 10 years of service in the Ohio General Assembly that Tony Hall provided to the people of Dayton and surrounding areas.

We already miss Tony in the House, but I know that he is absolutely the right person to serve as the United States representative to the World Food Program, the Food and Agriculture Organization, and International Fund for Agricultural Development, all agencies of the United Nations which assist international hunger-relief efforts.

Tony Hall's name is synonymous with the cause of alleviating hunger both domestically and worldwide. He believes that food is the most basic of human needs, the most basis of human rights, and he passionately worked to convince others that the cause of hunger, which often gets lost in the legislative shuffle and pushed aside by more visible issued, deserved a prominent share of attention and resources to assist people who are the most at risk and too often the least defended.

He also worked as a tireless advocate for the cause of human rights around the world and focused his attention on the illicit diamond trade in Sierra Leone. He convinced me to travel with him to Sierra Leone in later 1999 to see how the machete-wielding rebels there have intimidated men, women, and children by hacking off arms, legs, and ears. He led the effort in bringing to the attention of Congress the conflict diamond trade and authoring legislation to certify that the diamonds Americans buy are not tainted with the blood of the people of Sierra Leone and other African nations.

We also traveled together in January to Afghanistan with Congressman JOE PITTS as the first congressional delegation to that country since the war on terrorism. We visited hospitals, an orphanage, schools, and refugee camps. We met with U.S. diplomats and soldiers; with local leaders and officials with direct responsibility for humanitarian problems and refugees; with representatives of United Nations and private relief organizations; and in Pakistan with refugees and members of religious minority groups.

Tony is never deterred in his effort to help make a positive difference in the lives of suffering people. In his years in Congress, he traveled to wherever the need arose and met with whomever he could to effect change, taking risks few would take, with his own comfort and safety never entering his mind.

I believe Tony's life destiny is to be a servant. During 1966 and 1967, he taught English in Thailand as a Peace Corps volunteer. He returned to Dayton to work as a realtor and small businessman for several years, but before long, he was elected to the Ohio House of Representatives where he served from 1969 to 1972, and then to the Ohio Senate, serving from 1973 to 1978. On November 7, 1978, Tony was elected to the House of Representatives from the 3rd District of Ohio and served with distinction for over two decades.

Tony Hall is an inspiration to everyone fortunate enough to know him. He has a wonderful combination of compassion and passion filled with spiritual purpose—compassion to see the suffering in the less fortunate in the world and the passion to work to do something about it.

I urge a unanimous vote in support of H.R. 5335, to recognize the dedicated public service of Tony Hall by naming the federal building and courthouse in Dayton, OH, in his honor.

Mr. Speaker, I urge support of the resolution, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BROWN of South Carolina). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 5335.

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

A motion to reconsider was laid on the table.

AMENDING THE GENERAL EDUCATION PROVISIONS ACT REGARDING FAMILY EDUCATIONAL AND PRIVACY RIGHTS

Mr. TIBERI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5331) to amend the General Education Provisions Act to clarify the definition of a student regarding family educational and privacy rights.

The Clerk read as follows:

H.R. 5331

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

SECTION 1. AMENDMENT TO GENERAL EDUCATION PROVISIONS ACT.

Paragraph (6) of subsection (a) of section 444 of the General Education Provisions Act (20 U.S.C. 1232g; also known as the Family Educational Rights and Privacy Act of 1974) is amended by inserting ''(other than a person educated at a home school, whether or not a home school is treated as a home school or a private school under State law)'' after ''does not include a person''.

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

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

GENERAL LEAVE

Mr. TIBERI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5331.

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

There was no objection.

Mr. TIBERI. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. KENNEDY), an author of this legislation.

Mr. KENNEDY of Minnesota. Mr. Speaker, I thank my colleague from Ohio for yielding me this time, and I speak today on behalf of this very important bill. I want to begin by thanking the gentleman from Ohio (Mr. BOEHNER), the chairman of the committee, and his staff for their cooperation and their leadership on gaining a hearing for this very important legislation that we are scheduling here today.

This is a very simple but very important piece of legislation.

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Mr. Speaker, it further enshrines in the law that we will treat all students equally and that we will protect family privacy. The problem stems from uncertainty in the Family and Educational Rights and Protection Act. Confusion about who is covered under the act has led to the private information of many nonpublic students being treated as public information. This has caused confusion in Minnesota and other States across the Nation. While the law is being applied appropriately for most students, many home-schooled and private school students have faced problems with their personal information being released to the public.

I do not believe that was the intent of the law. We should fix it and make sure that all students have the same protections of privacy under the law. This common-sense solution simply clarifies the definition of a student and ensures that all students' private information is protected. I urge Members to vote for this bill.

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

Mr. Speaker, H.R. 5331 would ensure that the educational records of home-schooled students are provided the same protections as the education records of non-home-schooled students. This legislation evens the playing field,

and we have no objection to its passage.

However, I am concerned that this House has the time to debate this legislation, yet has been unable to pass a Labor-HHS-Education appropriations bill. H.R. 5331 focuses on protecting the educational records of home-schooled students. Unfortunately, by our inaction on the education budget, we have failed to provide vital funding that benefits the remaining 99 percent of our children, those who attend public schools.

President Bush's fiscal year 2003 budget provides for the smallest increase in education funding in the past 7 years. His budget provides only a 2.8 percent increase.

Mr. Speaker, Congress has increased the education budget by 15 percent annually over the past 7 years. President Bush's proposal is absolutely unacceptable, and our time today could be much better spent if we address that issue instead of an issue we all agree on. I support passage of this legislation, but believe that the American people would be better served by the passage of an education budget.

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

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

Mr. Speaker, again I want to reiterate what the sponsor of this legislation, the gentleman from Minnesota (Mr. KENNEDY), has already said, and that is H.R. 5331 makes a technical correction to FERPA to ensure that the records of home-schooled students are treated in the same manner as all other public school students today. H.R. 5331 requires local school districts to treat the records of all students in the same manner and protect the privacy rights of all students. I urge Members to pass the Kennedy-sponsored bill, H.R. 5331.

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

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

Mr. Speaker, in closing, I would like to remind Members that the President had a bipartisan vote on a bill called Leave No Child Behind. It was a good bill, but what the President forgot is we have to fund good bills. He is leaving 99 percent of our children behind by not including full funding for his bill in this budget.

Mr. BOEHNER. Mr. Speaker, I rise in support of H.R. 5331, which would extend educational and privacy rights currently available to families of public school students to home schooled children. I want to applaud my colleague from Minnesota, Representative MARK KENNEDY, for sponsoring this legislation and his continued commitment to the education of our nation's children. This bill provides an important opportunity for Congress to correct an oversight in the federal Family Educational Rights and Privacy Act of 1974 (FERPA) that has resulted in some school districts and states being unable to maintain the privacy of information collected from families who home school their children.

Under current law, FERPA protects the privacy of students who attend public school. However, many school districts and numerous States hold the private records of home-schooled students because these students are required by State law to register either with their State or local school district. A privacy problem arises from FERPA's definition of a student, which "does not include a person who has not been in attendance at such agency or institution." Therefore, under current law, the information of a home-schooled student who has never attend a public school is not protected under FERPA. Unless States or local school boards create their own rules restricting the release of home-schooled student information, public schools can freely disseminate a home-schooled student's private information.

By closing this loophole in the law, home-school student's records nationwide would be protected, including in Representative KENNEDY's home state of Minnesota, which classifies such information as public. FERPA should treat all students the same and not permit districts to disseminate publicly the records of some children, while protecting the records of others.

H.R. 5331 exemplifies the commitment that this Congress has shown to parents who choose to home school their children. I am proud to be a co-sponsor and urge my colleagues to vote yes on this legislation extending privacy protections to families of home-schooled students.

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

The SPEAKER pro tempore (Mr. BROWN of South Carolina). The question is on the motion offered by the gentleman from Ohio (Mr. TIBERI) that the House suspend the rules and pass the bill, H.R. 5331.

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

A motion to reconsider was laid on the table.

BLACK LUNG CONSOLIDATION OF ADMINISTRATIVE RESPONSIBILITY ACT

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5542) to consolidate all black lung benefit responsibility under a single official, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5542

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 "Black Lung Consolidation of Administrative Responsibility Act".

SEC. 2. TRANSFER OF PART B BLACK LUNG BENEFIT RESPONSIBILITIES FROM COMMISSIONER OF SOCIAL SECURITY TO SECRETARY OF LABOR.

(a) IN GENERAL.—Part B of the Black Lung Benefits Act (30 U.S.C. 921 et seq.) other than section 415(b) (30 U.S.C. 925(b)) is amended by striking "Commissioner of Social Security" each place such term appears and inserting "Secretary".

(b) CONFORMING AMENDMENTS.—

(1) Section 402 of such Act (30 U.S.C. 902) is amended—

(A) in subsection (c), by striking "where used in part C" and inserting ", except where expressly otherwise provided,";

(B) in subsection (f)(1), by inserting after "Secretary of Health, Education, and Welfare" the following: ", which were in effect on the date of enactment of the Black Lung Consolidation of Administrative Responsibilities Act,";

(C) in subsection (f)(2)—

(i) by striking "which is subject to review by the Secretary of Health, Education, and Welfare," and inserting "arising under part B"; and

(ii) by striking the comma after "Secretary of Labor"; and

(D) in subsection (i), by amending paragraph (1) to read as follows:

"(1) for benefits under part B that was denied by the official responsible for administration of such part; or".

(2) Section 413(b) of such Act (30 U.S.C. 923(b)) is amended by striking "In carrying out the provisions of this part" and all that follows through "Social Security Act, but no" and inserting "No".

(3) Section 415 of such Act (30 U.S.C. 925) is amended—

(A) in subsection (a)—

(i) by striking paragraph (2):

(ii) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(iii) in paragraph (4) (as so redesignated), by striking "paragraph 4" and inserting "paragraph (2)"; and

(B) in subsection (b), by striking ", after consultation with the Commissioner of Social Security,".

(4) Section 426 of such Act (30 U.S.C. 936) is amended—

(A) in subsection (a), by striking ", the Commissioner of Social Security,"; and

(B) in subsection (b), by amending the first sentence to read as follows: "At the end of fiscal year 2003 and each succeeding fiscal year, the Secretary of Labor shall submit to the Congress an annual report on the subject matter of parts B and C of this title.".

(5) Public Law 94–504 (30 U.S.C. 932a) is amended by striking "under part C" and inserting "under part B or part C".

(c) REPEAL OF OBSOLETE PROVISIONS.—The following provisions of law are repealed:

(1) Section 435 of the Black Lung Benefits Act (30 U.S.C. 945).

(2) Sections 11 and 19 of the Black Lung Benefits Reform Act of 1977 (30 U.S.C. 924a, 904).

SEC. 3. TRANSITIONAL PROVISIONS.

(a) APPLICABILITY.—This section shall apply to the transfer of all functions relating to the administration of part B of subchapter IV (30 U.S.C. 901 et seq.) from the Commissioner of Social Security (hereinafter in this section referred to as the "Commissioner") to the Secretary of Labor, as provided by this Act.

(b) TRANSFER OF ASSETS, LIABILITIES, ETC.—

(1) The Commissioner shall transfer to the Secretary of Labor all property and records that the Director of the Office of Management and Budget determines relate to the functions transferred to the Secretary of Labor by this Act or amendments made by this Act.

(2) Section 1531 of title 31, United States Code, shall apply in carrying out this Act and amendments made by this Act, except that, for purposes of carrying out this Act and amendments made by this Act, the functions of the President under section 1531(b)

shall be performed by the Director of the Office of Management and Budget unless otherwise directed by the President.

(c) CONTINUATION OF ORDERS, DETERMINATIONS, ETC.—

(1) This Act shall not affect the validity of any order, determination, rule, regulation, operating procedure (to the extent applicable to the Secretary of Labor), or contract that—

(A) relates to a function transferred by this Act; and

(B) is in effect on the date this Act takes effect.

(2) Any order, determination, rule, regulation, operating procedure, or contract described in paragraph (1) shall—

(A) apply on and after the effective date of this Act to the Secretary of Labor; and

(B) continue in effect, according to its terms, until it is modified, superseded, terminated, or otherwise deprived of legal effect by the Secretary of Labor, a court of competent jurisdiction, or operation of law.

(d) CONTINUATION OF ADMINISTRATIVE PROCEEDINGS.—

(1) Any proceeding before the Commissioner involving the functions transferred by this Act that is pending on the date this Act takes effect shall continue before the Secretary of Labor, except as provided in paragraph (2).

(2) Any proceeding pending before an Administrative Law Judge or the Appeals Council pursuant to part B and the applicable regulations of the Secretary of Health and Human Services shall continue before the Commissioner consistent with the following provisions:

(A) Any proceeding described in this paragraph shall continue as if this Act had not been enacted, and shall include all rights to hearing, administrative review, and judicial review available under part B and the applicable regulations of the Secretary of Health and Human Services.

(B) Any decision, order, or other determination issued in any proceeding described in this subsection shall apply to the Secretary of Labor and continue in effect, according to its terms, until it is modified, superseded, terminated, or otherwise deprived of legal effect by the Secretary of Labor, a court of competent jurisdiction, or operation of law.

(C) Nothing in this paragraph shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(3) Any proceeding before the Secretary of Labor involving the functions transferred by this Act shall be subject to the statutory requirements for notice, hearing, action upon the record, administrative review, and judicial review that apply to similar proceedings before the Commissioner conducted prior to the enactment of this Act.

(e) CONTINUATION OF ACTIONS AND CAUSES OF ACTION.—

(1) Except as provided in paragraphs (2) and (3), this Act shall not abrogate, terminate, or otherwise affect any action or cause of action, that—

(A) relates to a function transferred by this Act; and

(B) is pending or otherwise in existence on the date this Act takes effect.

(2) Any action pending before the Commissioner or any court on the date this Act takes effect that involves a function transferred by this Act shall continue before the Commissioner or court consistent with the following provisions:

(A) Any proceeding described in this paragraph shall continue as if this Act had not been enacted.

(B) Any decision, order, or other determination issued in any proceeding subject to this paragraph shall apply to the Secretary of Labor and continue in effect, according to its terms, until it is modified, superseded, terminated, or otherwise deprived of legal effect by the Secretary of Labor, a court of competent jurisdiction, or operation of law.

(3) Any cause of action by or against the Commissioner that exists on the date this Act takes effect and involves any function transferred by this Act may be asserted by or against the Secretary of Labor or the United States.

(f) CONTINUATION OF ACTIONS AGAINST OFFICERS.—No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Social Security Administration, and relating to a function transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against the Social Security Administration, or by or against any officer thereof in his official capacity, relating to a function transferred by this Act, shall abate by reason of enactment of this Act.

(g) PRESERVATION OF PENALTIES, ETC.—The transfer of functions under this Act shall not release or extinguish any penalty, forfeiture, liability, prosecution, investigation, or right to initiate a future investigation or prosecution involving any function transferred by this Act.

SEC. 4. EFFECTIVE DATE.

This Act, and the amendments made by this Act, shall take effect 90 days after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentlewoman from California (Ms. WOOLSEY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT).

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous information on H.R. 5542.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 5542, a bill to consolidate all of the administrative responsibilities related to the black lung benefits program within the Department of Labor. By eliminating overlapping and duplicative responsibilities between agencies, the bill will improve efficiency and ensure a continued high level of customer service for all beneficiaries.

Currently, the black lung benefits program is administered by the Division of Coal Mine Workers' Compensation in the United States Department of Labor. The bill provides monetary and medical benefits to former coal mine workers who are completely disabled by pneumoconiosis, a crippling respiratory condition.

When the program was enacted in 1969, the Social Security Administration, SSA, was given the initial responsibility for processing and paying claims. In 1972, however, amendments to the Act transferred responsibility for all new claims to the Department of Labor. Then, under a 1997 memorandum of understanding between DOL and SSA, all claims, including those filed with SSA prior to July 1, 1973, became the responsibility of the Department of Labor. The bill we consider today will formalize what has been the current practice and procedure since 1997.

I want to point out this program enjoys a high level of customer satisfaction. In fact, recent survey results and joint audits by the Offices of the Inspector General at SSA and DOL confirmed the quality of service provided to program beneficiaries.

While eliminating the confusion that can result when administrative responsibilities are divided between two agencies, this legislation will ensure that the beneficiaries continue to receive the highest quality of service. The legislation also implements a long-standing recommendation by the Inspectors General of SSA and DOL that the administrative responsibility for the program should be consolidated with DOL.

It is important to note, Mr. Speaker, that the legislation would retain all the regulations currently applicable to the beneficiaries' entitlement. In addition to the specific provisions regarding the transfer, the legislation provides that the Director of the Office of Management and Budget, in consultation with the heads of SSA and DOL, is authorized to make such determinations as may be necessary to accomplish the purposes of the bill.

Mr. Speaker, I would like to commend my colleague and sponsor of this bill, the gentlewoman from Pennsylvania (Ms. HART), for her work on this legislation.

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

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

Mr. Speaker, I rise in support of H.R. 5542, the sole purpose of which is to consolidate the responsibility for the administration of the black lung benefits program in the Department of Labor.

Historically, the Social Security Administration has handled claims filed prior to 1973, while the DOL has handled claims filed since 1973. As the population served by the Social Security Administration has decreased because of age, the Department of Labor has, pursuant to memorandum of understanding, undertaken increased responsibility for the program. At this point it make sense to consolidate responsibility for the program in the Department of Labor.

Mr. Speaker, while I support this bill, I am disappointed that we are failing to deal with other issues, issues that would be more meaningful and benefit American workers. We have failed to increase an inadequate minimum wage.

We have failed to protect workers from abuses by managed care companies. We are impoverishing families who have exhausted their unemployment benefits by failing to provide extended benefits. In short, Mr. Speaker, we are not taking the steps we need to in order to protect working Americans.

While we should be doing much more, I have no objections to this very modest bill. I urge the adoption of H.R. 5542.

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

Mrs. BIGGERT. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Pennsylvania (Ms. HART), the sponsor of this bill.

Ms. HART. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I am pleased to be the sponsor of H.R. 5542, the Black Lung Consolidation of Administrative Responsibilities Act, on behalf of the administration and on behalf of the Department of Labor. Initially outlined in the President's 2003 budget for the Department of Labor, this legislation will consolidate, as was said earlier, all of the responsibility for the administration of black lung benefits under one agency.

The black lung benefits program was enacted as part of the Coal Mine Health and Safety Act of 1969, the first comprehensive Federal legislation to regulate health and safety in the coal industry. The law created a temporary system to compensate victims of dust exposure in the mines with public funds administered by the Social Security Administration.

In 1972, the Coal Mine Health and Safety Act was amended to require the use of simplified interim eligibility for all claims filed with the Social Security Administration and to transfer new claims to the Department of Labor in 1973. The Office of Workers' Compensation Programs in the Department of Labor assumed responsibility for the processing and the paying of these new claims on July 1, 1973. Most of the claims filed prior to that date remained in the jurisdiction of the Social Security Administration until 1997.

On September 26, 1997, officials from the Social Security Administration and the Department of Labor signed a memorandum of understanding transferring the responsibility for managing all active Social Security Administration black lung claims to the Department of Labor. This change was aimed at eliminating any confusion about which Federal agency should handle the claims and also enhancing customer service to all black lung beneficiaries.

At present, the Department of Labor manages all Federal black lung claims, while formal appeals on Part B claims are referred to the Social Security Administration.

Mr. Speaker, there are a number of people who are beneficiaries of this program, a number in Pennsylvania, West Virginia and States surrounding mine. In fact, I am a descendant of coal miners, as are many of my constituents in Western Pennsylvania. The goal for us is to make sure that this program continues to be administered in a very efficient way.

The Black Lung Consolidation of Administrative Responsibilities Act would simply transfer all of the responsibilities for the administration of claims under Part B of the Act to the Department of Labor, while retaining all regulations currently applicable to the beneficiaries' entitlements.

Besides improving administrative efficiency, this transfer of responsibilities will ensure the continuation of a high level of customer service to beneficiaries. Joint audits by the Office of the Inspector General of the Social Security Administration and the Department of Labor, as the gentlewoman from Illinois (Mrs. BIGGERT) stated, have confirmed the high quality of claims-related services provided by the Department of Labor. It only makes sense to consolidate these services under the Department of Labor.

Last year, in fact, the University of Michigan released the results of a customer satisfaction survey of beneficiaries receiving the services under the DOL and found the highest level of customer satisfaction of any Federal benefits program surveyed.

Finally, the legislation implements a long-standing recommendation by the Inspectors General of the Department of Labor and the Social Security Administration that the administrative responsibility for the Black Lung Benefits Act should be consolidated within the Department of Labor. This change would ensure the continuation of this high level of service to program beneficiaries, many of whom are elderly and unwell.

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While eliminating confusion and duplication of administration functions, it will also make sure that these beneficiaries continue to receive a high level of service. The Black Lung Consolidation of Administrative Responsibility Act is simply common sense and good government. In times like these when we find our budget is tight and we need to be very careful about our spending, this measure will continue to help us achieve that. I urge my colleagues to support this legislation.

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

Mr. Speaker, I would like to remind my colleagues that although this is a good thing we are doing for Pennsylvania and co-workers that there are steps we are not taking to protect American workers. First of all, we have an inadequate minimum wage. We also have failed to reform managed care, and we have exhausted unemployment benefits for many, many of our workers who are part of this horrific economy that we are faced with. We must deal with the big picture also.

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

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

In closing, I would like again to commend my colleague and sponsor of this bill, the gentlewoman from Pennsylvania (Ms. HART), for her work on the legislation and to thank the chairman of the Committee on Education and the Workforce. And I urge my colleagues to support this commonsense bill.

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

The SPEAKER pro tempore (Mr. BROWN of South Carolina). The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 5542, as amended.

The question was taken.

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

Mrs. BIGGERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING THE CONTRIBUTIONS OF PATSY T. MINK

Mr. ISAKSON. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 113) recognizing the contributions of Patsy T. Mink, as amended.

The Clerk read as follows:

H.J. RES. 113

Whereas Patsy Takemoto Mink was one of the country's leading voices for women's rights, civil rights, and working families and was devoted to raising living standards and providing economic and educational opportunity to all Americans;

Whereas Patsy Takemoto Mink was a passionate and persistent fighter against economic and social injustices in Hawaii and across America;

Whereas Patsy Takemoto Mink was one of the first women of color to win national office in 1964 and opened doors of opportunity to millions of women and people of color across America;

Whereas Patsy Takemoto Mink won unprecedented legislative accomplishments on issues affecting women's health, children, students, and working families; and

Whereas Patsy Takemoto Mink's heroic, visionary, and tireless leadership to win the landmark passage of title IX of the Education Amendments of 1972 opened doors to women's academic and athletic achievements and redefined what is possible for a generation of women and for future generations our Nation's daughters: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.; P.L. 92–318) may be cited as the ''Patsy Takemoto Mink Equal Opportunity in Education Act''.

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

The Chair recognizes the gentleman from Georgia (Mr. ISAKSON).

GENERAL LEAVE

Mr. ISAKSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 113.

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

There was no objection.

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

Mr. Speaker, I rise in support of House Joint Resolution 113 to recognize the many contributions of Patsy Mink. Patsy Mink provided a great service to Congress and the Nation as a whole; and she always represented her constituents with grace, commitment, and absolutely with determination. Patsy Mink was a trailblazer as the first woman of color to win national office. She was truly a person of honor. Patsy Mink stood by her word and did not step away from controversial or difficult issues. She never made decisions based on what was politically easy; she made decisions based on what was right. I am honored to have worked with her and to have had the opportunity to know the drive, dedication, and devotion to her home State and to her constituents. A tribute to our former colleague and the legacy she leaves behind is most appropriate. Patsy Mink's passing is a significant loss to all of us, and I offer my heartfelt condolences to her family and to her constituents.

On a personal note, Mr. Speaker, I first met Patsy Mink 4 years ago when I was elected to the Congress of the United States. She had served many years before I came and her career before my election was far more important than any election of me. She had broken the glass ceiling for women in Hawaii. She had been an outspoken leader. Patsy and I were of a different sex, a different ethnicity, a different generation, and a different political party. But as goes so often unreported in this body but is so often reality, those of us regardless of our differences come together for what is right and what is best for the American people. It should not go unnoted on this evening that it was Patsy Mink as a member of the working group of H.R. 1, No Child Left Behind, who articulated and fought for her beliefs, found common ground, and allowed this Congress and this country to address the needs of America's most needy and deserving students.

While it is easy for all of us to find fault from time to time about what we in this House have not done, we must always recognize that which on countless, thankless hours has been accomplished by dedicated leaders of commitment and perseverance. Patsy Mink was a lady. She was a friend, she was a Member of this Congress, and she will be missed.

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

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

I am proud to be an original cosponsor of H.J. Res. 113, which recognizes the many contributions that Congresswoman Patsy Takemoto Mink from Hawaii made to the people of this country, particularly to girls and women. That is why it is fitting that this resolution renames title IX of the Higher Education Act amendments of 1972 the Patsy Takemoto Mink Equal Opportunity in Education Act.

In the early 1970's, Patsy played the key role in the enactment of title IX, which prohibits gender discrimination by federally funded institutions. When most people think of title IX, they think of women's sports, and the impact of title IX on women's sports can clearly be seen. In fact in 1972 scholarships for women's sports nationally added up to $100,000 and in 1987 the scholarships equaled over $200 million. Did she make a difference? Yes, she did. We can see the impact of title IX in the impressive accomplishments of American female athletes at the Olympics and when we turn on the TV to watch professional women's basketball or soccer, but we should not forget that title IX has also been a major tool for increasing women's participation in other aspects of education as well.

As we stand here on the floor today, title IX ensures that girls have equal access to classes that lead to high-wage jobs so that women can support themselves and their families as well as their male counterparts. But title IX was only one of Patsy's contributions to girls and women of America. She also authored the Women's Educational Equity Act, known as WEEA, in 1974. WEEA remains the primary resource for teachers and parents seeking information on proven methods to ensure gender equity in schools and communities. WEEA represents the Federal commitment to ensuring that girls' future choices and successes are determined not by their gender but by their own interests, aspirations, and abilities.

Mr. Speaker, there has been no stronger voice in Congress for girls and women and minorities than Patsy Takemoto Mink, and it will do Congress proud to remember her and honor her by passing H.J. Res. 113 and renaming title IX The Patsy Takemoto Mink Act.

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

Mr. ISAKSON. Mr. Speaker, I would just close by acknowledging all of the accomplishments as were cited by the gentlewoman from California (Ms. WOOLSEY), and on behalf of all the colleagues in the Congress of the United States, our deep sympathy to the family of Patsy Mink and to the people of Hawaii, but the great joy all of us should have in recognizing her accomplishments on behalf of her State, on behalf of all women in America, and on behalf of this Congress. I urge all my colleagues to vote unanimously for this resolution commending a great woman and a great Member of Congress.

Mr. McKEON. Mr. Speaker, I rise in support of House Joint Resolution 113 to recognize the many contributions of Congresswoman Patsy Mink.

As the Ranking Member of the House Education and the Workforce Subcommittee on 21st Century Competitiveness, Patsy Mink provided a great service to not only our subcommittee, but the Nation as a whole. Her commitment to our Nation's students and to her constituents never wavered and she always represented them with grace and determination.

While I could talk about a great number of instances where my friend, Patsy Mink, and I worked hand and hand to improve academic achievement for our students, I want to take this moment to highlight an issue that we recently worked on that we both believed in—making postsecondary education better and more accessible for students and families. Last year, Patsy and I began the Fed Up initiative in an effort to streamline a number of burdensome regulations within the Higher Education Act. She worked with me from its earliest stages, stood firm in her commitment to me about how the process would move forward, and during a difficult vote, she kept her word and voted in a way that forced her to step away from her own party's politics. She did this because she was a person of honor and did what was right, even when it was not easy.

Patsy was a trailblazer as the first woman of color to win national office, taking on one of many challenges she would face. She never stepped away from controversial issues if she believed what she was doing was right.

I am honored to have worked with Patsy on our subcommittee and to have had the opportunity to know her drive, dedication and devotion to her home State and her constituency.

This tribute to our former colleague and the legacy she leaves behind is more than appropriate. Patsy's passing is a significant loss for all of us and I offer my heartfelt condolences to her family and her constituents.

Mr. Speaker, I stand with my colleagues in support of this resolution and appreciate the opportunity to express my thoughts and gratitude for Patsy Mink.

Mr. BOEHNER. Mr. Speaker, I rise in support of House Joint Resolution 113 to honor and recognize the many contributions of Patsy Mink. I want to thank my friend and colleague from California, GEORGE MILLER, for introducing this most appropriate resolution.

We were all stunned and sadden by the news last week of the passing of our friend and colleague, Patsy Mink. As I have stated before, not only did we lose a passionate and committed member of this body; the State of Hawaii and the country as a whole lost a compelling and persuasive representative voice.

Patsy Mink placed a great emphasis on service to her constituents and always stood firm in her beliefs. Patsy did this even when it wasn't the easy or politically popular thing to do. She had strong convictions by which she lived and worked. While we did not always agree, I know I, and the rest of us, are all better for having had the experience of working with her during her tenure in this House.

In her role as ranking member on the subcommittee on 21st Century Competitiveness, Patsy Mink played an important role in passing the No Child Left Behind Act, and worked

closely with Chairman MCKEON on legislation reducing red tape and burdensome regulations in postsecondary education. With her passing, we will miss the opportunity to continue that partnership in working on these and other critical issues facing our nation.

I will miss Patsy and her commitment to her State, her constituents and to the ideals of this body. I am grateful to have had the opportunity to work with her over these many years.

This resolution is an appropriate tribute to our former colleague and the legacy she leaves behind. Patsy Mink's passing is a significant loss for all of us and I offer my sincere condolences to her family and her constituents.

I know my colleagues will join me in support of this resolution, Mr. Speaker, as a means of collectively saying thank you and good-bye to a distinguished colleague and friend.

Mr. TOWNS. Mr. Speaker, I rise today in support of H.J. Res. 113 in honor of our late colleague, Patsy Mink.

I had the honor to serve with her on the House Government Reform Committee after she returned to Congress in 1990. I was particularly struck by her passionate defense of progressive democratic policies. For example, Patsy's commitment to such policies led her to actively oppose the '95 Welfare Reform Act because of its implications for many poor women and their children. Her opposition helped to limit some of the more draconian provisions in the final version of the bill that was enacted into law. Patsy could always be counted on to defend the interests of all poor and disadvantaged Americans. But she will always be remembered for her leadership in guaranteeing equal opportunities for women in education and athletics. One of the first women of color elected to the House of Representatives, Patsy was a trailblazer who will be sorely missed not only here in Congress but also in her home State of Hawaii. I am proud to have known and served with her.

Mr. ABERCROMBIE. Mr. Speaker, I rise today to express my strong support for this resolution and to thank the leadership of the House for moving so expeditiously to bring it to the floor.

I have had the honor to share the responsibility of representing Hawaii in the U.S. House of Representatives with Patsy Mink for the last 12 years. However, my first memories of her go back 40 years when I was a student at the University of Hawaii involved in one of her early campaigns. I admired her then and I hope through this resolution to secure for her an honored place in the history of this institution and this country.

Throughout nearly 50 years of public service, Patsy Mink championed America's most deeply held values: equality, fairness, and above all honesty. Her courage, her willingness to speak out and champion causes that others might shun resulted in tremendous contributions in the fields of civil rights and education. Every single woman in this Nation who today has been given an equal opportunity in education, and by extension in virtually every other field of endeavor, owes the impetus to that in modern times to Patsy Mink. She was one of the pioneers who transformed Hawaii and transformed this Nation. Her legacy will live on in every campus in America and in the heart of every American woman who aspires to greatness. Most profoundly, it lives on in my estimation in hope; hope for the millions of lives that she touched.

Someone will take Patsy Mink's place here in the House, that is the way of it in our democracy, but no one will replace her in the hearts of the people of Hawaii. No one will replace her in the role that she played in this House of Representatives. With the renaming of title IX as the Patsy T. Mink Equal Opportunity in Education Act, Congress secures her memory as a heroic, visionary, and tireless leader of this great Nation.

Mrs. MCCARTHY of New York. Mr. Speaker, we have seen many Members of Congress pass through these halls. Many have done some great things but, in my opinion, very few have left this place being defined as one of the "great ones." We have just lost one of the "great ones" with the passing of Patsy Mink.

Legislating and getting things done here can be very frustrating. But I would advise that whenever we think frustration is getting the best of us, we need only remember what, in spite of adversity, Congresswoman Mink accomplished during her tenure because of her dedication, perseverance, and never ending fight for what she believed in.

From her earliest days, she advocated for noble causes. When she was segregated into International Housing at the University of Nebraska, she sought to change discriminatory policies and succeeded.

After receiving her law degree from the University of Chicago, she was in disbelief over the simple fact that her gender disqualified her from positions she applied for. Instead of accepting defeat, she opened her own practice and became the first Asian-American woman lawyer in Hawaii.

In her first run for the U.S. Congress in 1959, her defeat to DANIEL INOUYE didn't deter her from running again. In 1964 she ran for U.S. Congress again and won, making her the first woman of color to be elected to Congress.

Most significantly over 2.7 million young women participate in high school athletics compared to just under 300,000 in 1971. This is because of the key role Congresswoman Mink played in the enactment of title IX. Title IX bans gender discrimination in schools that receive federal funding. Young women can now look to the memory of Patsy Mink to thank for the chance to participate in school athletics.

The passing of one of the "greats" leaves a major void in not only Congress itself but also in each one of us. We need move on from this day forward with as much heart and devotion as Congresswoman Mink did every day of her life.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. ISAKSON) that the House suspend the rules and pass the joint resolution, H.J. Res. 113, as amended.

The question was taken.

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

Ms. WOOLSEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

JOE SKEEN FEDERAL BUILDING

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5427) to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the "Joe Skeen Federal Building".

The Clerk read as follows:

H.R. 5427

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

SECTION 1. DESIGNATION.

The Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, shall be known and designated as the "Joe Skeen Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Joe Skeen Federal Building".

SEC. 3. EFFECTIVE DATE.

This Act shall take effect on January 1, 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Oregon (Mr. DEFAZIO) each will control 20 minutes.

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

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, H.R. 5427 designates the Federal building in Roswell, New Mexico, as the Joe Skeen Federal Building. After 22 years of distinguished service in this body, our colleague from New Mexico, JOE SKEEN, is retiring.

I want to recognize the hard work of the bill's sponsor, the gentlewoman from New Mexico's first district (Mrs. WILSON), in bringing this measure to the floor with the support of over 200 co-sponsors.

Congressman SKEEN was born in Roswell, New Mexico. We will spare him from saying the year of his birth since he is still with us in this body. He served in the United States Navy for a 1-year enlistment and later in the United States Air Force Reserves from 1949 until 1952. Congressman SKEEN graduated with a Bachelor's of Science degree in agricultural engineering. After graduation, he worked as a soil and water engineer for the Zuni and Ramah Navajo Indians. He later purchased the family sheep ranch.

Congressman SKEEN was first elected to public office in 1960 when he served in the New Mexico State Senate until 1970. For the last 6 years of his time in the State Senate he served as a minority leader. In 1980 Congressman SKEEN was elected to serve New Mexico's second district in the United States House of Representatives. He was first elected as a write-in candidate and served for 11 succeeding Congresses.

While serving in the House, JOE was known and is known for his commitment to property rights, balancing the

Federal budget, and increased tax relief. He may have been the most influential as chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies of the Committee on Appropriations, enhancing the agriculture viability in New Mexico and as chairman of the Subcommittee on Interior dealing with natural resources and public land use.

This is an appropriate building designation to a dedicated public servant, and I want to congratulate Congressman SKEEN on such an admirable and distinguished career and wish him all the best and great happiness as he returns to his family and the family ranch.

I support this bill, and I urge my colleagues to do the same.

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

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

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

Mr. DEFAZIO. Mr. Speaker, I rise in support of this legislation.

H.R. 5427 is a bill to designate the federal building in Roswell New Mexico as the Joe Skeen Federal Building.

JOE SKEEN was born in Roswell, New Mexico in 1927. As a young man he served a one-year enlistment in the Navy and served in the Air Force Reserve between 1949 and 1952. In 1950 he graduated from Texas A&M University.

JOE SKEEN was elected to Congress in 1980 as a write in candidate in the general election. He was only the third person in the Nation's history to win a U.S. House set through this type of effort. Over the past two decades he has served the people of the 2nd district in New Mexico with distinction and devotion.

As Congressman he focused his energy and interests on agriculture, national defense, and public land management. In 1985 he became a member of the House Appropriations Committee, and in 1995 he became chair of the Appropriations subcommittee on Agriculture. At the beginning of the 107th Congress he was named a chair of the Interior subcommittee.

One of Congressman SKEEN's major legislative accomplishments was to ensure the opening of the Waste Isolation Pilot Plant—the Nations' first repository for defense related waste. Concerned about the public's health and safety, and the environment JOE SKEEN working tirelessly to address storage of federal waste.

JOE SKEEN has supported legislation to maintain the viability of the agriculture industry. He also has been a leader in supporting legislative initiatives on the balanced budget, crime, education, and military spending. He is an unapologetic advocate of local control, insisting that citizens make their own determination, and not let legislative systems do it.

Congressman SKEEN is well respected on both sides of the aisle. He is an earnest and capable legislator, a worthy advisory, and a true gentleman, devoted to his family, and dedicated to his constituents. His good will and humor will be missed by all his colleagues.

It is fitting and proper to honor JOE SKEEN's life in public service with the designation of the federal building in Roswell New Mexico as the Joe Skeen Federal Building.

Mr. Speaker, I yield such time as he might consume to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, it is a great honor and privilege to have the opportunity to speak today in support of H.R. 5427, the Joe Skeen Federal Building Designation Act. The honor of speaking in support of this bill, however, pales in comparison to the honor of having the opportunity to serve as a Member of Congress with JOE.

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It is difficult to capture with words the impact and significance that JOE has meant, not only to New Mexicans, but to the citizens of the United States and the institution of the U.S. Congress as well. It is no secret that he has been an incredibly effective legislator on behalf of his constituents and that he has been an incredible asset to his party and the entire Congress.

No doubt my colleagues will list many of his legislative accomplishments and accolades he has earned during his remarkable life. The list is impressive. But these are but a small part of the fabric of JOE's character.

Throughout his years of service, he has been a model of integrity and truth. He always done what he believed in his heart to be true, and he has always worked in a bipartisan way to accomplish important work.

During a time of increasing cynicism towards politics and politicians by the media and the electorate, JOE SKEEN is a man who exemplifies what is good and what is right in our political system.

JOE, thank you for your service to New Mexico and to our country, but, most of all, thank you for your friendship. You will be sorely missed by all.

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield such time as she may consume to the gentlewoman from New Mexico (Mrs. WILSON), the bill's author.

Mrs. WILSON of New Mexico. Mr. Speaker, it is really an honor to be here this evening to share some time with the House and to explain why we are naming a building in Roswell, New Mexico, after a guy named JOE SKEEN.

JOE SKEEN was born in Roswell, New Mexico, and he is a rancher. Most of us around here know that, because when he was the chair of the Committee on Appropriations Subcommittee on Agriculture, he never let us forget it. It was not just a ranch, it was a sheep ranch, and JOE managed to put up photographs of New Mexico around the appropriations subcommittee room of sheep everywhere so no one would forget this was an appropriations subcommittee that was chaired by a sheep rancher.

He purchased his family ranching operation from his grandmother, and it is currently being run by JOE and his wife, Mary, and his son, Mike. He also has a daughter, Lisa, and three grandsons.

You really cannot think of JOE without also thinking of Mary. She is an absolute stalwart; a wonderful woman, one of those western women of strength who radiates warmth and friendship; the kind of woman who walks into a room and just lights up the place and lights up JOE's eyes too. You can see that still in their relationship, having been married these many years.

JOE is also known quite a bit for his sense of humor around here. In fact, TOM, I think probably only Mo Udall exceeds him in his appreciation for the importance of humor in public life. It is kind of a dry, western sense of humor.

He talks about being the minority leader of the State Senate in New Mexico. People introduce him that way as a proud accomplishment, and he always points out to them that at the time he was the minority leader they had their caucus meetings in the phone booth because there were so few Republicans in the State Senate. Then he began to build the Republican Party, and the representation of Republicans in the State Senate followed him.

He was first elected to the House of Representatives as a write-in candidate in 1980. It was very unusual. In fact, he was only the third person in American history to ever be elected to this body as a write-in candidate. It was an extraordinary effort and an unusual time. I remember Mary telling me on that night, election night in 1980, when they got the reports in from the precincts, that it was 11 o'clock at night. The polls had already been closed since 7, but people were still waiting in line. They knew then that they were going to win. It was an unusual moment in American history, participated in by a very unusual and wonderful man.

JOE has been an effective leader in and an outstanding Representative for New Mexico's Second District for over 20 years. During his time, JOE has shown his commitment to public service and to his constituents.

His staff, many of whom have been with him for 22 years, talk about when he used to work in that Federal Building down in Roswell, and he would go out to take a little break and he would not be back for half an hour, an hour or more. He had found some constituent to chat with, some constituent that needed help with a Social Security check or veterans benefits. That was the kind of guy that JOE was as a public servant.

During his tenure here, he has had a powerful influence in this Congress. He has served 17 years on the Committee on Appropriations. He has been a champion of States' rights and the idea that decisions made closest to the people are those that are best.

He is also known around here for his sense of humor. Whenever anyone walks into his office from New Mexico, he asks about the weather. He asks

whether it has rained yet. Usually, of course, the answer is no, since we do not get much rain, and JOE always says, with that perfect timing that I cannot even begin to imitate, ''You know, there are 12-year-olds in New Mexico that have never even seen rain.'' His staff is very familiar with that story, but every constituent gets a big laugh out of JOE SKEEN and his appreciation for the western sense of humor.

After 11 terms in the United States Congress, JOE has decided to return to his ranch, a place that he describes as being ''at the center of my upbringing and which shaped my character and its principles.'' He leaves behind a proud tradition of public service, in which he has been a positive influence on many people's lives, including mine.

One of JOE's actions when he first took office in 1981 was to introduce legislation to name the Federal Building in Las Cruces after the man he replaced, Congressman Harold Runnels. I believe it is appropriate 22 years later to return the favor.

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

Mr. LATOURETTE. Mr. Speaker, I yield myself the balance of my time to indicate that I want to congratulate the gentlewoman from New Mexico (Mrs. WILSON) for not only introducing this legislation, but also for that moving testimony to a fine individual who served this institution well. I want to thank the gentleman from New Mexico (Mr. UDALL) for his kind words, and urge passage of the bill.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 5427, a bill to designate the federal building in Roswell, New Mexico as the ''Joe Skeen Federal Building''. Congressman SKEEN has ably represented the citizens of the 2nd district of New Mexico for 22 years. He was first elected to Congress in 1980 as a write-in candidate, becoming only the 3rd person to be elected to Congress in this manner. With his most recent reelection in 2000, he became New Mexico's longest serving member of the United States Congress.

Throughout his career, JOE SKEEN has fought consistently for local land management, for the rights of miners and farmers, and the ranching industry. He has also been a champion of popular federal nutrition programs such as food stamps and school lunches, and he has labored tirelessly to obtain defense funds for New Mexico's defense industry.

Congressman SKEEN's long career in this Body is perhaps most distinguished by his service on the Appropriations Committee. In 1995, he was appointed as Chairman of the Appropriations Subcommittee on Agriculture, a position he held until the end of the 106th Congress. At the beginning of this Congress, Congressman SKEEN was appointed as Chairman of the Appropriations Subcommittee on Interior.

JOE SKEEN's voting record is truly impressive. In 2001, as he has done in years past, Congressman SKEEN voted in 100 percent of the votes called on the House floor. But JOE SKEEN will be remembered not only for his notable voting record, but also his good humor, loyalty, and his sense of decency. Both sides of the aisle will miss the gentleman from New Mexico when he retires at the end of this Congress.

H.R. 5427 designates the federal building in Roswell, New Mexico, in honor of Congressman JOE SKEEN. It is a fitting tribute to a long and distinguished career, and I urge my colleagues to support it.

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

The SPEAKER pro tempore (Mr. BROWN of South Carolina). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 5427.

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

A motion to reconsider was laid on the table.

SANTIAGO E. CAMPOS UNITED STATES COURTHOUSE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5083) to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the ''Santiago E. Campos United States Courthouse''.

The Clerk read as follows:

H.R. 5083

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

SECTION 1. DESIGNATION.

The United States courthouse at South Federal Place in Santa Fe, New Mexico, shall be known and designated as the ''Santiago E. Campos United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Santiago E. Campos United States Courthouse''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Oregon (Mr. DEFAZIO) each will control 20 minutes.

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

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

Mr. Speaker, H.R. 5083, as the Clerk has indicated, designates the United States Courthouse at South Federal Place in Santa Fe, New Mexico, as the Santiago E. Campos United States Courthouse.

A native of New Mexico, Judge Campos served in the United States Navy from 1944 to 1946. Upon his honorable discharge from the Navy, Judge Campos earned his undergraduate degree from the Central College in Fayette, Missouri, and his law degree from the University of New Mexico in 1953, where he graduated first in his class. From 1954 to 1957, Judge Campos served as an Assistant State Attorney General and then as the First Assistant State Attorney General.

After a period of time in private practice, Judge Campos was elected as a District Judge for the First Judicial District of the State of New Mexico until his appointment to the Federal bench.

Judge Campos served on the Federal bench with distinction for over 22 years, from his appointment in 1978 by President Carter until December of 2001, just one month before his death in January of this year.

Judge Campos was the first Hispanic to serve as a Federal Judge in New Mexico and the first to serve as Chief Judge of the District Court in New Mexico. This bill has the support of the New Mexico State Legislature, which passed a joint memorial requesting the name of this courthouse, as well as the unanimous support of the judges making up the Tenth Circuit Court of Appeals and the District Court of New Mexico.

This is a fitting tribute to a dedicated public servant. I support the bill and urge my colleagues to do the same, and congratulate the gentleman from New Mexico (Mr. UDALL) for bringing this fine piece of legislation before us.

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

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

(Mr. DEFAZIO asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. DEFAZIO. Mr. Speaker, I rise in strong support of this legislation, and congratulate the gentleman from New Mexico (Mr. UDALL) for his work to bring this bill quickly through committee to the floor of the House.

Congressman TOM UDALL has introduced H.R. 5083, a bill to designate the federal courthouse in Santa Fe, New Mexico as the Santiago E. Campos United States Courthouse.

Judge Campos was the first Hispanic appointed to the Federal bench in New Mexico. He served as the Chief Judge from 1987 until 1989. President Jimmy Carter appointed him to the Federal bench in 1978. Prior to this appointment Judge Campos was elected to serve as the District Judge for the 1st Judicial District in 1971 and served in that capacity until 1978.

Judge Campos was a life long resident of New Mexico and graduated first in his law class from the University of New Mexico. He served the people of New Mexico with honor and great distinction.

Known for his compassion, quick wit, and inquisitive mind Judge Campos was a role model for students, fellow jurists, and professional colleagues.

I support Congressman UDALL and his efforts in behalf of this bill and urge my colleagues to join me in support of this bill.

Mr. Speaker, I yield such time as he might consume to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, I very much thank the distinguished gentleman from Oregon.

Mr. Speaker, I rise today to express my support for H.R. 5083, a bill which I introduced which will name the United States Courthouse in Santa Fe, New Mexico, as the Santiago E. Campos United States Courthouse. I would like to thank the gentleman from Alaska (Chairman YOUNG); the ranking member, the gentleman from Minnesota (Mr. OBERSTAR); and the committee for favorably reporting this bill to the floor. I would also like to thank the eight members of the Hispanic Caucus who lent their names as original cosponsors of this bill.

Born on Christmas of 1926 in Santa Rosa, New Mexico, Santiago Campos served in the United States Navy and eventually received his law degree from the University of New Mexico in 1953, graduating first in his class.

From 1954 to 1957, Santiago worked as the Assistant and First Assistant Attorney General for the State of New Mexico. In 1978, Santiago Campos was appointed to the Federal Bench by President Jimmy Carter. He held the title of Chief U.S. District Judge from February 5, 1987, to December 31, 1989, and took senior status December 26, 1992.

Judge Campos stood as a pillar, both in the community and on the bench, and was the moving force in reviving the Federal Courthouse in Santa Fe. Judge Campos worked closely with the General Services Administration in Fort Worth, Texas, and with the Santa Fe Historical Preservation Office to transform the Santa Fe U.S. Courthouse into the beautiful, active place it is today.

Judge Campos' dedication and fairness were widely recognized throughout the State of New Mexico. As the first Hispanic in New Mexico to be appointed to the Federal bench, Judge Campos broke barriers and became a role model to aspiring lawyers, especially Hispanic lawyers, throughout the State. His colleagues remember him as a supportive friend, a cheerful mentor and a first class judge.

As a Federal prosecutor I argued cases before Judge Campos on a number of occasions. He was very active in his courtroom and often became more involved in his cases than other judges, while still allowing a lawyer to try his own case. Just as he balanced the scales of justice, he balanced the scales of life, never void of humor, courage, humility and respect.

Even when Judge Campos was diagnosed with cancer, he continued to fight. He fought with reason and he fought with laughter. He remained resolute until his death in January 2001.

To Judge Campos' daughters, Teresa, Tina, Miquela and Rebecca, I would like to say that your father's name will never be forgotten. To his wife, Patsy, your husband's legacy will live on through this courthouse bearing his name. To his grandchildren and great-grandchildren, it is my hope that your generation will continue to uphold the ideals, standards and compassion of Judge Campos.

Mr. Speaker, it was a great privilege and honor for me to introduce this legislation which received the unanimous endorsement of the Judges of the Tenth Circuit Court, District Judges of the District Court of New Mexico, and a bipartisan group of New Mexico State legislators.

Like the clerks who served with him, the lawyers who argued cases in front of him, and his friends and family, I look forward to seeing the name of Judge Santiago E. Campos inscribed in the stone of the U.S. Courthouse in Santa Fe.

I urge my friends and colleagues to support this bill.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 5083. H.R. 5083 honors Judge Santiago Campos by designating the United States Courthouse at South Federal Place in Santa Fe, New Mexico, the courthouse where Judge Campos served for more than 22 years, as the "Santiago E. Campos United States Courthouse."

Judge Campos was born on Christmas Day in 1926 in Santa Rosa, New Mexico. A lifelong resident of New Mexico, he received his law degree from the University of New Mexico, graduating first in his class. His distinguished career in public service began in 1944, when he served in the U.S. Navy as a seaman first class. In 1954, he joined the New Mexico State Attorney General's Office as an Assistant Attorney General and, in 1971, became a state district court judge in New Mexico's First District. President Carter appointed him to the Federal bench in 1978. Upon his appointment, he became the first Hispanic to sit on the Federal district court in New Mexico.

Judge Campos served as a U.S. District Court Judge from his appointment in 1978 until his death in 2001. He served as Chief Judge of the Court from 1987 through 1989.

Throughout his career, Judge Campos was an outstanding role model and mentor of other jurists and lawyers. Well liked and admired for his sense of humor and outgoing manner, Judge Campo's dedication to public service served as an inspiration to his colleagues. Indeed, the naming of this courthouse after Judge Campos has received wide support from those who knew him. The New Mexico State Legislature passed a joint memorial declaration requesting that Congress name this Federal courthouse in Judge Campos's honor. In addition, the United States district and appellate judges who reside in New Mexico have expressed their unanimous support for this designation.

This bill is a fitting tribute to Judge Campos. I urge my colleagues to support H.R. 5083.

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

Mr. LATOURETTE. Mr. Speaker, I urge support of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 5083.

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

A motion to reconsider was laid on the table.

□ 2130

WAYNE LYMAN MORSE UNITED STATES COURTHOUSE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2672) to designate the United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, as the "Wayne Lyman Morse United States Courthouse".

The Clerk read as follows:

H.R. 2672

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

SECTION 1. DESIGNATION OF WAYNE LYMAN MORSE UNITED STATES COURTHOUSE.

The United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, shall be known and designated as the "Wayne Lyman Morse United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the Wayne Lyman Morse United States Courthouse.

The SPEAKER pro tempore (Mr. BROWN of South Carolina). Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Oregon (Mr. DEFAZIO) each will control 20 minutes.

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

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

Mr. Speaker, H.R. 2672 designates the United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, as the "Wayne Lyman Morse United States Courthouse."

Born in 1900 in Dane County, Wisconsin, Senator Morse graduated from the University of Wisconsin in 1924, from the law department at the University of Minnesota in 1928, and from Columbia University Law School in 1932. Senator Morse was a professor of law and later dean at the University of Oregon Law School until his election to the United States Senate in 1944.

Early in his career, Senator Morse witnessed America's rapid urban and industrial development; specifically, its effects on the rural lives of the farmers in his home State of Wisconsin. Influenced by such progressive change, Senator Morse worked to maintain a balanced connection between political democracy and the citizens of that democracy, upholding the belief that this country's true wealth, its people, would flourish in such an environment. Throughout his career, Senator Morse held the conviction of "principle over politics," made evident by his serving as a Republican, an Independent, and as a Democrat prior to his defeat in the election of 1968.

Senator Morse died while campaigning for a return to the Senate in 1974. The designation of this courthouse is a fitting tribute to a dedicated public servant.

Mr. Speaker, I want to congratulate the sponsor of the bill, the gentleman from Oregon (Mr. DEFAZIO), of our committee. The gentleman from Oregon (Mr. DEFAZIO) is not known as one of the more retiring members of our body, and it does not matter whether it is disparate user fees in the national Forest Service on behalf of his constituents or this particular piece of legislation. I had the pleasure of being in the full committee markup on other matters this week, and this bill was not only a matter of interest to the gentleman, but he fought hard with the leadership of our committee and received the acclamation of the leadership of our committee in convincing the leadership of this Congress to put this piece of legislation on the floor tonight, and it is his tenacity which I am sure his constituents not only appreciate, but for which they reward him with consistent reelection.

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

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the legislation.

Mr. Speaker, I thank the gentleman for his generous remarks. I would say that my tenacity and outspoken nature are but a mere shadow of that of Wayne L. Morse. Actually, the highest compliment that any of my older constituents who remember Wayne Morse can pay me is to say, ''That reminds me of Wayne Morse. You seem a lot like him.''

There could be virtually no more appropriate time to bring this bill forward, not only because this month will mark the 100 anniversary of Wayne Morse's birth; born in Wisconsin in 1900, raised as a populace progressive and in a tradition that focused on the democratic rights of the working class and disenfranchised. He first moved to Oregon in 1931 and became a law professor within 9 months. He was dean, and he served until 1943 and was elected to the United States Senate in 1944. He served there until 1968. He was often known for lonely stands he took on a number of issues. He changed from Republican to Independent in 1952 and to a Democrat in 1955.

Now, why I feel this is a particularly important time to do this is because one of Wayne Morse's most famous moments was his lengthy speech in opposition and adamant opposition to the Gulf of Tonkin resolution, one of only two votes in the United States Senate, and one of only two to oppose that war as unwise, as this House is rushing, and the Senate is rushing, to rubber stamp an extraordinarily broad grant of power to the President that eerily echoes the Gulf of Tonkin resolution with even fewer underpinnings and, in fact, this time, marking a preemptive war, perhaps unilateral preemptive war by the United States, the first in our history. I think if Wayne Morse were still with us, even if he were with us at the age of 100, his voice would be heard loud and clear expressing concern about that resolution and this new rush to war by the Congress.

He also was known as one who exercised an extraordinary independence of judgment on many issues. In fact, there is the Wayne Morse Pledge, which I have posted in my office. I hope that it will be incorporated at some appropriate place into the new courthouse. The pledge was: ''I will exercise an independence of judgment on the basis of facts and evidence as I find them on each issue. I will weigh the views of my constituents and my party. But I will cast my vote free of political pressure and unmoved by threats of loss of political support if I do not do the bidding of some pressure group.'' If only, if only we had more Members of Congress like that today, this would be a much different place and the policies of this country would be very different.

President Truman, who once actually offered to make Wayne Morse Attorney General said, ''Wayne Morse is one of the great dissenters, and we need dissenters, not only in the Senate, we ought to have them in the House. We should have them in the legislatures of various States. Many of the great things we have were voted down by the majority and finally had to be adopted for the benefit and welfare of the people. You may not agree with Senator Morse, you do not have to agree with him when he is right, but what he advocates usually becomes what the people want.''

And then finally, when Senator Morse left the Republican Party, he told a reporter from the Detroit Free Press, ''I sometimes wonder if I am going at all this too hard, but then I think of all of the men and women who wish there was just one politician in Washington who would speak his mind and cast his vote honestly and freely, with only his conscience to guide him. Maybe it's a bit brash to assume that I am that man, but believe me, I am trying to be.''

That was Wayne Morse, and that is something I try to be every day in representing the district from which he was elected to the United States Senate.

So with that, Mr. Speaker, I would hope that the House would unanimously endorse the naming of the new Federal courthouse in Eugene, Oregon. I believe there could be no more appropriate honor in the memory of Wayne Morse on the 100 anniversary of his birth.

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

Mr. LATOURETTE. Mr. Speaker, I yield myself the balance of our time and again congratulate the gentleman from Oregon for not only his legislation, but for his floor statement. I urge passage of the bill.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 2672, a bill to honor the former Senator from Oregon, Wayne L. Morse by designating the new courthouse in Eugene Oregon in his honor.

From 1931 until 1944, Senator Morse served as the dean and professor of law at the University of Oregon at Eugene. In 1944, he was elected to his first term in the United States Senate as a Republican Senator. He was reelected in 1950. In 1956, Senator Morse ran for election to the Senate as a Democrat. He won that election and was again reelected in 1962.

Senator Morse lost his bid for a fifth term when he was defeated in 1968. However, by 1974 he had won the Democratic Senate nomination and was actively engaged in campaigning when he died in Portland, Oregon, in July of that year.

Senator Morse was known as a gifted and principled lawmaker and a dedicated public servant. His tireless advocacy of the rights of organized labor and the collective bargaining process, and his unshakeable belief in the rule of law contributed to Senator Morse being called the ''conscience of the Senate''. He championed equal access to education and was an outspoken defender of the Constitution's system of checks and balances.

Senator Morse's political philosophy was simply to promote the welfare of the American people. To use his own words: ''If you want to understand my political philosophy, here's the basic tenet—I think the job of a U.S. Senator is to seek to translate into legislation values that promote the welfare of people Because the keystone of the Constitution is the general welfare clause and the wealth of America is its people, not in materialism''.

Senator Morse broke with the Republican Party in the 1950's when he led the filibuster against the Taft-Hartley bill, which threatened to erase nearly every fundamental employment right he had secured while on the War Labor Board. In the years preceding the Vietnam War, Senator Morse fiercely opposed the Gulf of Tonkin resolution. He declared that Article I of the Constitution would be violated if Congress surrendered to the President its Constitutional authority to declare war. Throughout the War he took great issue when the Johnson Administration and its handling of the war.

Senator Morse had the courage to speak and vote his convictions during one of the most tumultuous times in our Nation's history. He knew his opinions would be controversial and that they could, and ultimately did, cost him his seat in the U.S. Senate. But Wayne Morse had the strength to look beyond politics and do what he believed to be in the best interest of the American people.

Mr. Speaker, the consideration of H.R. 2672 is particularly timely. As we begin debate tomorrow on a resolution that would authorize the President of the United States to use military force against Iraq, I hope that we could all follow the example of Wayne Morse and have the courage to speak our minds—whatever our particular beliefs—and that this Body will engage in a open and honest debate that will ultimately determine the best course for the American people.

H.R. 2672 is a fitting tribute to a true public servant. I thank the Gentleman from Oregon, Mr. DEFAZIO, for introducing this legislation, and I urge all Members to support it.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr.

LATOURETTE) that the House suspend the rules and pass the bill, H.R. 2672.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 5427, H.R. 5335, H.R. 5083, and H.R. 2672, the matters just considered by the House.

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

There was no objection.

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO FILE SUPPLEMENTAL REPORT ON H.R. 3580

Mr. BURR of North Carolina. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be allowed to file a supplemental report on H.R. 3580.

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

There was no objection.

MEDICAL DEVICE USER FEE AND MODERNIZATION ACT OF 2002

Mr. BURR of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3580) to amend the Federal Food, Drug, and Cosmetic Act to make improvements in the regulation of medical devices, and for other purposes.

The Clerk read as follows:

H.R. 3580

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Medical Device User Fee and Modernization Act of 2002''.

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

Sec. 1. Short title; table of contents.

TITLE I—FEES RELATED TO MEDICAL DEVICES

Sec. 101. Findings.
Sec. 102. Establishment of program.
Sec. 103. Annual reports.
Sec. 104. Postmarket surveillance.
Sec. 105. Consultation.
Sec. 106. Effective date.
Sec. 107. Sunset clause.

TITLE II—AMENDMENTS REGARDING REGULATION OF MEDICAL DEVICES

Sec. 201. Inspections by accredited persons.
Sec. 202. Third party review of premarket notification.
Sec. 203. Designation and regulation of combination products.
Sec. 204. Report on certain devices.
Sec. 205. Electronic labeling.
Sec. 206. Electronic registration.
Sec. 207. Intended use.
Sec. 208. Modular review.
Sec. 209. Pediatric expertise regarding classification-panel review of premarket applications.
Sec. 210. Internet list of class II devices exempted from requirement of premarket notification.
Sec. 211. Study by Institute of Medicine of postmarket surveillance regarding pediatric populations.
Sec. 212. Guidance regarding pediatric devices.
Sec. 213. Breast implants; study by Comptroller General.
Sec. 214. Breast implants; research through National Institutes of Health.

TITLE III—ADDITIONAL AMENDMENTS

Sec. 301. Identification of manufacturer of medical devices.
Sec. 302. Single-use medical devices.

TITLE I—FEES RELATED TO MEDICAL DEVICES

SEC. 101. FINDINGS.

The Congress finds that—

(1) prompt approval and clearance of safe and effective devices is critical to the improvement of the public health so that patients may enjoy the benefits of devices to diagnose, treat, and prevent disease;

(2) the public health will be served by furnishing additional funds for the review of devices so that statutorily mandated deadlines may be met; and

(3) the fees authorized by the amendment made by section 102 will be dedicated to meeting the goals identified in the letters from the Secretary of Health and Human Services to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 102. ESTABLISHMENT OF PROGRAM.

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

''PART 3—FEES RELATING TO DEVICES

''SEC. 737. DEFINITIONS.

''For purposes of this subchapter:

''(1) The term 'premarket application' means—

''(A) an application for approval of a device submitted under section 515(c) or section 351 of the Public Health Service Act; or

''(B) a product development protocol described in section 515(f).

Such term does not include a supplement, a premarket report, or a premarket notification submission.

''(2) The term 'premarket report' means a report submitted under section 510(o)(3).

''(3) The term 'premarket notification submission' means a report submitted under section 510(k).

''(4)(A) The term 'supplement', with respect to a panel-track supplement, a 180-day supplement, a real-time supplement, or an efficacy supplement, means a request to the Secretary to approve a change in a device for which—

''(i) an application has been approved under section 515(d) or under section 351 of the Public Health Service Act; or

''(ii) a notice of completion has become effective under section 515(f).

''(B) The term 'panel-track supplement' means a supplement to an approved premarket application under section 515 that requests a significant change in design or performance of the device, or a new indication for use of the device, and for which clinical data are generally necessary to provide a reasonable assurance of safety and effectiveness.

''(C) The term '180-day supplement' means a supplement to an approved premarket application under section 515 that is not a panel-track supplement and requests a significant change in components, materials, design, specification, software, color additives, or labeling.

''(D) The term 'real-time supplement' means a supplement to an approved premarket application under section 515 that requests a minor change to the device, such as a minor change to the design of the device, software, manufacturing, sterilization, or labeling, and for which the applicant has requested and the agency has granted a meeting or similar forum to jointly review and determine the status of the supplement.

''(E) The term 'efficacy supplement' means a supplement to an approved premarket application under section 351 of the Public Health Service Act that requires substantive clinical data.

''(5) The term 'process for the review of device applications' means the following activities of the Secretary with respect to the review of premarket applications, premarket reports, supplements, and premarket notification submissions:

''(A) The activities necessary for the review of premarket applications, premarket reports, supplements, and premarket notification submissions.

''(B) The issuance of action letters that allow the marketing of devices or which set forth in detail the specific deficiencies in such applications, reports, supplements, or submissions and, where appropriate, the actions necessary to place them in condition for approval.

''(C) The inspection of manufacturing establishments and other facilities undertaken as part of the Secretary's review of pending premarket applications, premarket reports, and supplements.

''(D) Monitoring of research conducted in connection with the review of such applications, reports, supplements, and submissions.

''(E) Review of device applications subject to section 351 of the Public Health Service Act for an investigational new drug application under section 505(i) or for an investigational device exemption under section 520(g) and activities conducted in anticipation of the submission of such applications under section 505(i) or 520(g).

''(F) The development of guidance, policy documents, or regulations to improve the process for the review of premarket applications, premarket reports, supplements, and premarket notification submissions.

''(G) The development of voluntary test methods, consensus standards, or mandatory performance standards under section 514 in connection with the review of such applications, reports, supplements, or submissions and related activities.

''(H) The provision of technical assistance to device manufacturers in connection with the submission of such applications, reports, supplements, or submissions.

''(I) Any activity undertaken under section 513 or 515(i) in connection with the initial classification or reclassification of a device or under section 515(b) in connection with any requirement for approval of a device.

''(J) Evaluation of postmarket studies required as a condition of an approval of a premarket application under section 515 or section 351 of the Public Health Service Act.

''(K) Compiling, developing, and reviewing information on relevant devices to identify safety and effectiveness issues for devices subject to premarket applications, premarket reports, supplements, or premarket notification submissions.

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

''(A) officers and employees of the Food and Drug Administration, contractors of the Food and Drug Administration, advisory committees, and costs related to such officers, employees, and committees and to contracts with such contractors;

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

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

''(D) collecting fees and accounting for resources allocated for the review of premarket applications, premarket reports, supplements, and submissions.

''(7) The term 'adjustment factor' applicable to a fiscal year is the Consumer Price Index for all urban consumers (all items; United States city average) for April of the preceding fiscal year divided by such Index for April 2002.

''(8) The term 'affiliate' means a business entity that has a relationship with a second business entity if, directly or indirectly—

''(A) one business entity controls, or has the power to control, the other business entity; or

''(B) a third party controls, or has power to control, both of the business entities.

''SEC. 738. AUTHORITY TO ASSESS AND USE DEVICE FEES.

''(a) TYPES OF FEES.—Beginning on the date of the enactment of the Medical Device User Fee and Modernization Act of 2002, the Secretary shall assess and collect fees in accordance with this section as follows:

''(1) PREMARKET APPLICATION, PREMARKET REPORT, SUPPLEMENT, AND SUBMISSION FEE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B) and subsection (d), each person who submits any of the following, on or after October 1, 2002, shall be subject to a fee established under subsection (c)(5) for the fiscal year involved in accordance with the following:

''(i) A premarket application.

''(ii) For a premarket report, a fee equal to the fee that applies under clause (i).

''(iii) For a panel track supplement, a fee equal to the fee that applies under clause (i).

''(iv) For a 180-day supplement, a fee equal to 21.5 percent of the fee that applies under clause (i), subject to any adjustment under subsection (c)(3).

''(v) For a real-time supplement, a fee equal to 7.2 percent of the fee that applies under clause (i).

''(vi) For an efficacy supplement, a fee equal to the fee that applies under clause (i).

''(vii) For a premarket notification submission, a fee equal to 1.75 percent of the fee that applies under clause (i), subject to any adjustment under subsection (c)(3).

''(B) EXCEPTIONS.—

''(i) HUMANITARIAN DEVICE EXEMPTION.—A device for which a humanitarian device exemption has been granted is not subject to the fees established in subparagraph (A).

''(ii) FURTHER MANUFACTURING USE.—No fee shall be required under subparagraph (A) for the submission of a premarket application under section 351 of the Public Health Service Act for a product licensed for further manufacturing use only.

''(iii) STATE OR FEDERAL GOVERNMENT SPONSORS.—No fee shall be required under subparagraph (A) for a premarket application, premarket report, supplement, or premarket notification submission submitted by a State or Federal Government entity unless the device involved is to be distributed commercially.

''(iv) PREMARKET NOTIFICATIONS BY THIRD PARTIES.—No fee shall be required under subparagraph (A) for a premarket notification submission reviewed by an accredited person pursuant to section 523.

''(v) PEDIATRIC CONDITIONS OF USE.—

''(I) IN GENERAL.—No fee shall be required under subparagraph (A) for a premarket application or premarket notification submission if the proposed conditions of use for the device involved are solely for a pediatric population. No fee shall be required under such subparagraph for a supplement if the sole purpose of the supplement is to propose conditions of use for a pediatric population.

''(II) SUBSEQUENT PROPOSAL OF ADULT CONDITIONS OF USE.—In the case of a person who submits a premarket application for which, under subclause (I), a fee under subparagraph (A) is not required, any supplement to such application that proposes conditions of use for any adult population is subject to the fee that applies under such subparagraph for a premarket application.

''(C) PAYMENT.—The fee required by subparagraph (A) shall be due upon submission of the premarket application, premarket report, supplement, or premarket notification submission except that invoices for applications submitted between October 1, 2002, and the date of the enactment of the Medical Device User Fee and Modernization Act of 2002 shall be payable on October 30, 2002. Applicants submitting portions of applications pursuant to section 515(c)(3) shall pay such fees upon submission of the first portion of such applications. The fees credited to fiscal year 2003 under this section shall include all fees payable from October 1, 2002, through September 30, 2003.

''(D) REFUNDS.—

''(i) APPLICATION REFUSED FOR FILING.—The Secretary shall refund 75 percent of the fee paid under subparagraph (A) for any application or supplement that is refused for filing.

''(ii) APPLICATION WITHDRAWN BEFORE FILING.—The Secretary shall refund 75 percent of the fee paid under subparagraph (A) for any application or supplement that is withdrawn prior to the filing decision of the Secretary.

''(iii) APPLICATION WITHDRAWN BEFORE FIRST ACTION.—After receipt of a request for a refund of the fee paid under subparagraph (A) for a premarket application, premarket report, or supplement that is withdrawn after filing but before a first action, the Secretary may return some or all of the fee. The amount of refund, if any, shall be based on the level of effort already expended on the review of such application, report, or supplement. The Secretary shall have sole discretion to refund a fee or portion of the fee under this subparagraph. A determination by the Secretary concerning a refund under this paragraph shall not be reviewable.

''(b) FEE REVENUE AMOUNTS.—Except as provided in subsections (c), (d), (f), and (g), the fees under subsection (a) shall be established to generate the following revenue amounts: $25,125,000 in fiscal year 2003; $27,255,000 in fiscal year 2004; $29,785,000 in fiscal year 2005; $32,615,000 in fiscal year 2006, and $35,000,000 in fiscal year 2007. If legislation is enacted after the date of the enactment of this Act requiring the Secretary to fund additional costs of the retirement of Federal personnel, fee revenue amounts under this subsection shall be increased in each year by the amount necessary to fully fund the portion of such additional costs that are attributable to the process for the review of device applications.

''(c) ADJUSTMENTS.—

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

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

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

The adjustment made each fiscal year by this subsection shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2003 under this subsection.

''(2) WORKLOAD ADJUSTMENT.—After the fee revenues established in subsection (b) are adjusted for a fiscal year for inflation in accordance with paragraph (1), the fee revenues shall, beginning with fiscal year 2004, be adjusted further each fiscal year to reflect changes in the workload of the Secretary for the process for the review of device applications. With respect to such adjustment:

''(A) The adjustment shall be determined by the Secretary based on a weighted average of the change in the total number of premarket applications, investigational new device applications, premarket reports, supplements, and premarket notification submissions submitted to the Secretary. The Secretary shall publish in the Federal Register the fee revenues and fees resulting from the adjustment and the supporting methodologies.

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

''(3) COMPENSATING ADJUSTMENT.—After the fee revenues established in subsection (b) are adjusted for a fiscal year for inflation in accordance with paragraph (1), and for workload in accordance with paragraph (2), the fee revenues shall, beginning with fiscal year 2004, be adjusted further each fiscal year, if necessary, to reflect the cumulative amount by which collections for previous fiscal years, beginning with fiscal year 2003, fell below the cumulative revenue amounts for such fiscal years specified in subsection (b), adjusted for such fiscal years for inflation in accordance with paragraph (1), and for workload in accordance with paragraph (2). Only fees for 180 day supplements and premarket notification submissions shall be increased to generate compensating adjustment revenues.

''(4) FINAL YEAR ADJUSTMENT.—For fiscal year 2007, the Secretary may, in addition to adjustments under paragraphs (1) and (2), further increase the fees and fee revenues established in subsection (b) if such adjustment is necessary to provide for not more than three months of operating reserves of carryover user fees for the process for the review of device applications for the first three months of fiscal year 2008. If such an adjustment is necessary, the rationale for the amount of the increase shall be contained in the annual notice establishing fee revenues and fees for fiscal year 2007. If the Secretary has carryover user fee balances for such process in excess of three months of such operating reserves, the adjustment under this paragraph shall not be made.

''(5) ANNUAL FEE SETTING.—The Secretary shall, 60 days before the start of each fiscal year after September 30, 2002, establish, for the next fiscal year, and publish in the Federal Register, fees under subsection (a), based on the revenue amounts established under subsection (b) and the adjustment provided under this subsection, except that the fees established for fiscal year 2003 shall be based on a premarket application fee of $139,000.

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

''(d) SMALL BUSINESS FEE WAIVER AND FEE REDUCTION.—

''(1) IN GENERAL.—The Secretary shall grant a waiver of the fee required under subsection (a) for one premarket application, or one premarket report, where the Secretary finds that the applicant involved is a small business submitting its first premarket application to the Secretary, or its first premarket report, respectively, for review. In addition, for subsequent premarket applications, premarket reports, and supplements where the Secretary finds that the applicant involved is a small business, the fees specified in

clauses (i) through (vi) of subsection (a)(1)(A) may be paid at a reduced rate in accordance with paragraph (2)(C).

''(2) RULES RELATING TO SMALL BUSINESSES.—

''(A) DEFINITION.—

''(i) For purposes of this subsection, the term 'small business' means an entity that reported $10,000,000 or less of gross receipts or sales in its most recent Federal income tax return for a taxable year, including such returns of all of its affiliates, partners, or parent firms.

''(ii) The Secretary may adjust the $10,000,000 threshold established in clause (i) if the Secretary has evidence from actual experience that this threshold results in a reduction in revenues from premarket applications, premarket reports, and supplements that is 13 percent or more than would occur without small business exemptions and lower fee rates. To adjust this threshold, the Secretary shall publish a notice in the Federal Register setting out the rationale for the adjustment, and the new threshold.

''(B) EVIDENCE OF QUALIFICATION.—An applicant shall pay the higher fees established by the Secretary each year unless the applicant submits evidence that it qualifies for a waiver of the fee or the lower fee rate. The applicant shall support its claim that it meets the definition under subparagraph (A) by submission of a copy of its most recent Federal income tax return for a taxable year, which shows an amount of gross sales or receipts that is less than the maximum established in subparagraph (A). The applicant shall certify that the information provided is a true and accurate copy of the applicant's actual tax forms as submitted to the Internal Revenue Service.

''(C) REDUCED FEES.—Where the Secretary finds that the applicant involved meets the definition under subparagraph (A), the fees established under subsection (c)(5) may be paid at reduced rates as follows:

''(i) 38 percent of the fee established under subsection (c)(5) for a premarket application, a premarket report, a panel-track supplement, or an efficacy supplement.

''(ii) 44 percent of the fee established under subsection (c)(5) for a 180-day supplement to a medical device application.

''(iii) 25 percent of the fee established under subsection (c)(5) for a real-time supplement to a premarket application.

This subsection may not be construed as authorizing any reduction in the fee established under subsection (c)(5) for a premarket notification submission.

''(D) REQUEST FOR FEE WAIVER OR REDUCTION.—An applicant seeking a fee waiver or reduction under this subsection shall submit supporting information to the Secretary at least 60 days before the fee is required pursuant to subsection (a).

''(e) EFFECT OF FAILURE TO PAY FEES.—A premarket application, premarket report, supplement, or premarket notification submission submitted by a person subject to fees under subsection (a) shall be considered incomplete and shall not be accepted for filing by the Secretary until all fees owed by such person have been paid.

''(f) CONDITIONS.—

''(1) PERFORMANCE GOALS THROUGH FISCAL YEAR 2005; TERMINATION OF PROGRAM AFTER FISCAL YEAR 2005.—With respect to the amount that, under the salaries and expenses account of the Food and Drug Administration, is appropriated for a fiscal year for devices and radiological products:

''(A)(i) For each of the fiscal years 2003 and 2004, the Secretary is expected to meet all of the goals identified for the fiscal year involved in any letter referred to in section 101(3) of the Medical Device User Fee and Modernization Act of 2002 (referred to in this paragraph as 'performance goals') if the amount so appropriated for such fiscal year, excluding the amount of fees appropriated for such fiscal year, is equal to or greater than $205,720,000 multiplied by the adjustment factor applicable to the fiscal year.

''(ii) For each of the fiscal years 2003 and 2004, if the amount so appropriated for the fiscal year involved, excluding the amount of fees appropriated for such fiscal year, is less than the amount that applies under clause (i) for such fiscal year, the following applies:

''(I) The Secretary is expected to meet such goals to the extent practicable, taking into account the amounts that are available to the Secretary for such purpose, whether from fees under subsection (a) or otherwise.

''(II) The Comptroller General of the United States shall submit to the Congress a report describing whether and to what extent the Secretary is meeting the performance goals identified for such fiscal year, and whether the Secretary will be able to meet all performance goals identified for fiscal year 2005. A report under the preceding sentence shall be submitted to the Congress not later than July 1 of the fiscal year with which the report is concerned.

''(B)(i) For fiscal year 2005, the Secretary is expected to meet all of the goals identified for the fiscal year if the total of the amounts so appropriated for fiscal years 2003 through 2005, excluding the amount of fees appropriated for such fiscal years, is equal to or greater than the sum of—

''(I) $205,720,000 multiplied by the adjustment factor applicable to fiscal year 2003;

''(II) $205,720,000 multiplied by the adjustment factor applicable to fiscal year 2004; and

''(III) $205,720,000 multiplied by the adjustment factor applicable to fiscal year 2005.

''(ii) For fiscal year 2005, if the total of the amounts so appropriated for fiscal years 2003 through 2005, excluding the amount of fees appropriated for such fiscal years, is less than the sum that applies under clause (i) for fiscal year 2005, the following applies:

''(I) The Secretary is expected to meet such goals to the extent practicable, taking into account the amounts that are available to the Secretary for such purpose, whether from fees under subsection (a) or otherwise.

''(II) The Comptroller General of the United States shall submit to the Congress a report describing whether and to what extent the Secretary is meeting the performance goals identified for such fiscal year, and whether the Secretary will be able to meet all performance goals identified for fiscal year 2006. The report under the preceding sentence shall be submitted to the Congress not later than July 1, 2005.

''(C) For fiscal year 2006, fees may not be assessed under subsection (a) for the fiscal year, and the Secretary is not expected to meet any performance goals identified for the fiscal year, if the total of the amounts so appropriated for fiscal years 2003 through 2006, excluding the amount of fees appropriated for such fiscal years, is less than the sum of—

''(i) $205,720,000 multiplied by the adjustment factor applicable to fiscal year 2006; and

''(ii) an amount equal to the sum that applies for purposes of subparagraph (B)(i).

''(D) For fiscal year 2007, fees may not be assessed under subsection (a) for the fiscal year, and the Secretary is not expected to meet any performance goals identified for the fiscal year, if—

''(i) the amount so appropriated for the fiscal year, excluding the amount of fees appropriated for the fiscal year, is less than $205,720,000 multiplied by the adjustment factor applicable to fiscal year 2007; or

''(ii) pursuant to subparagraph (C), fees were not assessed under subsection (a) for fiscal year 2006.

''(2) AUTHORITY.—If the Secretary does not assess fees under subsection (a) during any portion of a fiscal year because of subparagraph (C) or (D) of paragraph (1) and if at a later date in such fiscal year the Secretary may assess such fees, the Secretary may assess and collect such fees, without any modification in the rate for premarket applications, supplements, premarket reports, and premarket notification submissions, and at any time in such fiscal year, notwithstanding the provisions of subsection (a) relating to the date fees are to be paid.

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

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

''(2) COLLECTIONS AND APPROPRIATION ACTS.—

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

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

''(ii) shall only be collected and available to defray increases in the costs of the resources allocated for the process for the review of device applications (including increases in such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such process) over such costs, excluding costs paid from fees collected under this section, for fiscal year 2002 multiplied by the adjustment factor.

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

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

''(ii)(I) are more than 3 percent below the level specified in subparagraph (A)(ii), and fees assessed for a subsequent fiscal year are decreased by the amount in excess of 3 percent by which such costs fell below the level specified in such subparagraph; and

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

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

''(A) $25,125,000 for fiscal year 2003;

''(B) $27,255,000 for fiscal year 2004;

''(C) $29,785,000 for fiscal year 2005;

''(D) $32,615,000 for fiscal year 2006; and

''(E) $35,000,000 for fiscal year 2007,

as adjusted to reflect adjustments in the total fee revenues made under this section and changes in the total amounts collected by application fees.

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

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

''(i) WRITTEN REQUESTS FOR REFUNDS.—To qualify for consideration for a refund under subsection (a)(1)(D), a person shall submit to the Secretary a written request for such refund not later than 180 days after such fee is due.

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

the process of the review of device applications, be reduced to offset the number of officers, employees, and advisory committees so engaged.''.

(b) FEE EXEMPTION FOR CERTAIN ENTITIES SUBMITTING PREMARKET REPORTS.—

(1) IN GENERAL.—A person submitting a premarket report to the Secretary of Health and Human Services is exempt from the fee under section 738(a)(1)(A)(ii) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a) of this section) if—

(A) the premarket report is the first such report submitted to the Secretary by the person; and

(B) before October 1, 2002, the person submitted a premarket application to the Secretary for the same device as the device for which the person is submitting the premarket report.

(2) DEFINITIONS.—For purposes of paragraph (1), the terms ''device'', ''premarket application'', and ''premarket report'' have the same meanings as apply to such terms for purposes of section 738 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a) of this section).

SEC. 103. ANNUAL REPORTS.

Beginning with fiscal year 2003, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report concerning—

(1) the progress of the Food and Drug Administration in achieving the goals identified in the letters described in section 101(3) during such fiscal year and the future plans of the Food and Drug Administration for meeting the goals, not later than 60 days after the end of each fiscal year during which fees are collected under this part; and

(2) the implementation of the authority for such fees during such fiscal year, and the use, by the Food and Drug Administration, of the fees collected during such fiscal year, not later than 120 days after the end of each fiscal year during which fees are collected under the medical device user-fee program established under the amendment made by section 102.

SEC. 104. POSTMARKET SURVEILLANCE.

(a) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out postmarket surveillance of medical devices, there are authorized to be appropriated to the Food and Drug Administration the following amounts, stated as increases above the amount obligated for such purpose by such Administration for fiscal year 2002:

(1) For fiscal year 2003, an increase of $3,000,000.

(2) For fiscal year 2004, an increase of $6,000,000.

(3) For fiscal year 2005 and each subsequent fiscal year, an increase of such sums as may be necessary.

(b) STUDY.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall conduct a study for the purpose of determining the following with respect to the medical device user-fee program established under the amendment made by section 102:

(A) The impact of such program on the ability of the Food and Drug Administration to conduct postmarket surveillance on medical devices.

(B) The programmatic improvements, if any, needed for adequate postmarket surveillance of medical devices.

(C) The amount of funds needed to conduct adequate postmarket surveillance of medical devices.

(D) The extent to which device companies comply with the postmarket surveillance requirements, including postmarket study commitments.

(E) The recommendations of the Secretary as to whether, and in what amounts, user fees collected under such user-fee program should be dedicated to postmarket surveillance if the program is extended beyond fiscal year 2007.

(2) REPORT.—Not later than January 10, 2007, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, a report that describes the findings of the study under paragraph (1).

SEC. 105. CONSULTATION.

(a) IN GENERAL.—In developing recommendations to the Congress for the goals and plans for meeting the goals for the process for the review of medical device applications for fiscal years after fiscal year 2007, and for the reauthorization of sections 737 and 738 of the Federal Food, Drug, and Cosmetic Act, the Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall consult with the Committee on Energy and Commerce of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, appropriate scientific and academic experts, health care professionals, representatives of patient and consumer advocacy groups, and the regulated industry.

(b) RECOMMENDATIONS.—The Secretary shall publish in the Federal Register recommendations under subsection (a), after negotiations with the regulated industry; shall present such recommendations to the congressional committees specified in such paragraph; shall hold a meeting at which the public may present its views on such recommendations; and shall provide for a period of 30 days for the public to provide written comments on such recommendations.

SEC. 106. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of the enactment of this Act, except that fees shall be assessed for all premarket applications, premarket reports, supplements, and premarket notification submissions received on or after October 1, 2002, regardless of the date of enactment.

SEC. 107. SUNSET CLAUSE.

The amendments made by this title cease to be effective October 1, 2007, except that section 103 with respect to annual reports ceases to be effective January 31, 2008.

TITLE II—AMENDMENTS REGARDING REGULATION OF MEDICAL DEVICES

SEC. 201. INSPECTIONS BY ACCREDITED PERSONS.

(a) IN GENERAL.—Section 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374) is amended by adding at the end the following subsection:

''(g)(1) Not later than one year after the date of the enactment of this subsection, the Secretary shall, subject to the provisions of this subsection, accredit persons who are not Federal employees for the purpose of conducting the inspections required in section 510(h), or pursuant to section 510(i), for establishments that manufacture, prepare, propagate, compound, or process class II or class III devices. The owner or operator of such an establishment that is eligible under paragraph (6) may, from the list published under paragraph (4), select an accredited person to conduct such inspections

''(2) Not later than 180 days after the date of enactment of this subsection, the Secretary shall publish in the Federal Register criteria to accredit or deny accreditation to persons who request to perform the duties specified in paragraph (1). Thereafter, the Secretary shall inform those requesting accreditation, within 60 days after the receipt of such request, whether the request for accreditation is adequate for review, and the Secretary shall promptly act on the request for accreditation. Any resulting accreditation shall state that such person is accredited to conduct inspections at establishments identified in paragraph (1). The accreditation of such person shall specify the particular activities under this subsection for which such person is accredited. In the first year following the publication in the Federal Register of criteria to accredit or deny accreditation to persons who request to perform the duties specified in paragraph (1), the Secretary shall accredit no more than 15 persons who request to perform duties specified in paragraph (1).

''(3) An accredited person shall, at a minimum, meet the following requirements:

''(A) Such person shall be an independent organization which is not owned or controlled by a manufacturer, supplier, or vendor of articles regulated under this Act and which has no organizational, material, or financial affiliation (including a consultative affiliation) with such a manufacturer, supplier, or vendor.

''(B) Such person shall be a legally constituted entity permitted to conduct the activities for which it seeks accreditation.

''(C) Such person shall not engage in the design, manufacture, promotion, or sale of articles regulated under this Act.

''(D) The operations of such person shall be in accordance with generally accepted professional and ethical business practices, and such person shall agree in writing that at a minimum the person will—

''(i) certify that reported information accurately reflects data reviewed;

''(ii) limit work to that for which competence and capacity are available;

''(iii) treat information received, records, reports, and recommendations as confidential commercial or financial information or trade secret information;

''(iv) promptly respond and attempt to resolve complaints regarding its activities for which it is accredited; and

''(v) protect against the use, in carrying out paragraph (1), of any officer or employee of the accredited person who has a financial conflict of interest regarding any product regulated under this Act, and annually make available to the public disclosures of the extent to which the accredited person, and the officers and employees of the person, have maintained compliance with requirements under this clause relating to financial conflicts of interest.

''(4) The Secretary shall publish on the Internet site of the Food and Drug Administration a list of accredited persons to conduct inspections under paragraph (1). Such list shall be periodically updated to ensure that the identity of each accredited person is known to the public. The updating of such list shall be no later than one month after the accreditation of a person under this subsection or the withdrawal of accreditation.

''(5)(A) To ensure that persons accredited under this subsection continue to meet the standards of accreditation, the Secretary shall audit the performance of such persons on a periodic basis through the review of inspection reports and inspections by persons designated by the Secretary to evaluate the compliance status of an establishment and the performance of accredited persons.

''(B) The Secretary may withdraw accreditation of any person accredited under paragraph (2), after providing notice and an opportunity for an informal hearing, when such person is substantially not in compliance with the standards of accreditation or poses a threat to public health or fails to act in a manner that is consistent with the purposes of this subsection. The Secretary may suspend the accreditation of such person during the pendency of the process under the preceding sentence.

''(6)(A) Subject to subparagraphs (B) through (C), a device establishment is eligible for inspections by persons accredited under paragraph (2) if—

''(i) the Secretary classified the results of the most recent inspection of the establishment pursuant to subsection (h) or (i) of section 510 as 'no action indicated' or 'voluntary action indicated'; and

''(ii) with respect to each inspection to be conducted by an accredited person—

''(I) the owner or operator of the establishment submits to the Secretary a notice requesting clearance to use such a person to conduct the inspection, and the Secretary provides such clearance; and

''(II) such notice identifies the accredited person whom the establishment has selected to conduct the inspection, and the Secretary agrees to the selected accredited person.

''(B)(i) The Secretary shall respond to a notice under subparagraph (A) from an establishment not later than 30 days after the Secretary receives the notice. Through such response, the Secretary shall (I) provide clearance under such subparagraph, and agree to the selection of an accredited person, or (II) make a request under clause (ii). If the Secretary fails to respond to the notice within such 30-day period, the establishment is deemed to have such clearance, and to have the agreement of the Secretary for such selection.

''(ii) The request referred to in clause (i)(II) is—

''(I) a request to the establishment involved to submit to the Secretary compliance data in accordance with clause (iii); or

''(II) a request to the establishment, or to the accredited person identified in the notice under subparagraph (A), for information concerning the relationship between the establishment and such accredited person.

The Secretary may make both such requests.

''(iii) The compliance data to be submitted by an establishment under clause (ii) are data describing whether the quality controls of the establishment have been sufficient for ensuring consistent compliance with current good manufacturing practice within the meaning of section 501(h), and data otherwise describing whether the establishment has consistently been in compliance with sections 501 and 502 and other applicable provisions of this Act. Such data shall include complete reports of inspections regarding good manufacturing practice or other quality control audits that, during the preceding two-year period, were conducted at the establishment by persons other than the owner or operator of the establishment, together with all other data the Secretary deems necessary. Data under the preceding sentence shall demonstrate to the Secretary whether the establishment has facilitated consistent compliance by promptly correcting any compliance problems identified in such inspections.

''(iv) Not later than 60 days after receiving compliance data under clause (iii) from an establishment, the Secretary shall provide or deny clearance under subparagraph (A). The Secretary may not deny clearance unless the Secretary provides to the establishment detailed findings that the establishment has failed to demonstrate consistent compliance for purposes of clause (iii). If the Secretary fails to provide such findings to the establishment within such 60-day period, the establishment is deemed to have such clearance.

''(v)(I) A request to an accredited person under clause (ii)(II) may not seek any information that is not required to be maintained by such person in records under subsection (f)(1). Not later than 60 days after receiving the information sought by the request, the Secretary shall agree to, or reject, the selection of such person by the establishment involved. The Secretary may not reject the selection unless the Secretary provides to the establishment the reasons for such rejection. Reasons for the rejection may include that the establishment or the accredited person, as the case may be, has failed to fully respond to the request. If within such 60-day period the Secretary fails to agree to or reject the selection in accordance with this subclause, the Secretary is deemed to have agreed to the selection.

''(II) If the Secretary rejects the selection of an accredited person by an establishment, the establishment may make an additional selection of an accredited person by submitting to the Secretary a notice that identifies the additional selection. Clauses (i) and (ii), and subclause (I) of this clause, apply to the selection of an accredited person through a notice under the preceding sentence in the same manner and to the same extent as such provisions apply to a selection of an accredited person through a notice under subparagraph (A).

''(vi) In the case of an establishment that under clause (iv) is denied clearance under subparagraph (A), or whose selection of an accredited person is rejected under clause (v), the Secretary shall designate a person to review the findings of the Secretary under such clause if, during the 30-day period beginning on the date on which the establishment receives the findings, the establishment requests the review. The review shall commence not later than 30 days after the establishment requests the review, unless the Secretary and the establishment otherwise agree.

''(C)(i) In the case of a device establishment for which the Secretary classified the results of the most recent inspection of the establishment by a person accredited under paragraph (2) as 'official action indicated', the establishment is eligible for further inspections by persons accredited under such paragraph if (I) the Secretary issues a written statement to the owner or operator of the establishment that the violations leading to such classification have been resolved, and (II) the Secretary, either upon the Secretary's own initiative or a petition of the owner or operator of the establishment, notifies the establishment that it has clearance to use an accredited person for the inspections. The Secretary shall respond to such petition within 30 days after the receipt of the petition.

''(ii) If the Secretary denies a petition under clause (i), the establishment involved may, after the expiration of one year after such denial, again petition the Secretary for a determination of eligibility for inspection by persons accredited by the Secretary under paragraph (2). If the Secretary denies such petition, the Secretary shall provide the establishment with a detailed reason for such denial within 60 days after the denial. If, as of the expiration of 48 months after the receipt of the first petition, the establishment has not been inspected by the Secretary in accordance with section 510(h), or has not during such period been inspected pursuant to section 510(i), as applicable, the establishment is eligible for further inspections by accredited persons.

''(7)(A) Persons accredited under paragraph (2) to conduct inspections shall record in writing their inspection observations and shall present the observations to the device establishment's designated representative and discuss each observation. Additionally, such accredited person shall prepare an inspection report (including for inspections classified as 'no action indicated') in a form and manner consistent with such reports prepared by employees and officials designated by the Secretary to conduct inspections.

''(B) At a minimum, an inspection report under subparagraph (A) shall identify the persons responsible for good manufacturing practice compliance at the inspected establishment involved, the dates of the inspection, the scope of the inspection, and shall discuss in detail each observation identified by the accredited person, identify other matters that relate to or may influence compliance with this Act, and discuss any recommendations during the inspection or at the inspection's closing meeting.

''(C) An inspection report under subparagraph (A) shall be sent to the Secretary and the designated representative of the inspected establishment involved at the same time, but under no circumstances later than three weeks after the last day of the inspection. The report to the Secretary shall be accompanied by all written inspection observations previously provided to the representative of the establishment.

''(D) Any statements or representations made by employees or agents of a device establishment to persons accredited under paragraph (2) to conduct inspections shall be subject to section 1001 of title 18, United States Code.

''(E) If at any time during an inspection by an accredited person the accredited person discovers a condition that could cause or contribute to an unreasonable risk to the public health, the accredited person shall immediately notify the Secretary of the identification of the facility subject to inspection and the conditions of concern.

''(8) Compensation for an accredited person shall be determined by agreement between the accredited person and the person who engages the services of the accredited person, and shall be paid by the person who engages such services.

''(9) Nothing in this subsection affects the authority of the Secretary to inspect establishments pursuant to this Act.

''(10)(A) For fiscal year 2005 and subsequent fiscal years, no device establishment may be inspected during the fiscal year involved by a person accredited under paragraph (2) if—

''(i) of the amounts appropriated for salaries and expenses of the Food and Drug Administration for the preceding fiscal year (referred to in this subparagraph as the 'first prior fiscal year'), the amount obligated by the Secretary for inspections of device establishments by the Secretary was less than the adjusted base amount applicable to such first prior fiscal year; and

''(ii) of the amounts appropriated for salaries and expenses of the Food and Drug Administration for the fiscal year preceding the first prior fiscal year (referred to in this subparagraph as the 'second prior fiscal year'), the amount obligated by the Secretary for inspections of device establishments by the Secretary was less than the adjusted base amount applicable to such second prior fiscal year.

''(B)(i) Subject to clause (ii), the Comptroller General of the United States shall determine the amount that was obligated by the Secretary for fiscal year 2002 for compliance activities of the Food and Drug Administration with respect to devices (referred to in this subparagraph as the 'compliance budget'), and of such amount, the amount that was obligated for inspections by the Secretary of device establishments (referred to in this subparagraph as the 'inspection budget').

''(ii) For purposes of determinations under clause (i), the Comptroller General shall not include in the compliance budget or the inspection budget any amounts obligated for inspections of device establishments conducted as part of the process of reviewing applications under section 515.

''(iii) Not later than March 31, 2003, the Comptroller General shall complete the determinations required in this subparagraph and submit to the Secretary and the Congress a reporting describing the findings made through such determinations.

''(C) For purposes of this paragraph:

''(i) The term 'base amount' means the inspection budget determined under subparagraph (B) for fiscal year 2002.

''(ii) The term 'adjusted base amount', in the case of applicability to fiscal year 2003, means an amount equal to the base amount increased by 5 percent.

''(iii) The term 'adjusted base amount', with respect to applicability to fiscal year 2004 or any subsequent fiscal year, means the adjusted based amount applicable to the preceding year increased by 5 percent.

''(11) The authority provided by this subsection terminates on October 1, 2012.

''(12) No later than four years after the enactment of this subsection the Comptroller General shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate—

''(A) the number of inspections conducted by accredited persons and the number of inspections pursuant to subsections (h) and (i) of section 510 conducted by Federal employees;

''(B) the number of persons who sought accreditation under this subsection, as well as the number of persons who were accredited under this subsection;

''(C) the reasons why persons who sought accreditation, but were denied accreditation, were denied;

''(D) the number of audits conducted by the Secretary of accredited persons, the quality of inspections conducted by accredited persons, whether accredited persons are meeting their obligations under this Act, and whether the number of audits conducted is sufficient to permit these assessments;

''(E) whether this subsection is achieving the goal of ensuring more information about establishment compliance is being presented to the Secretary, and whether that information is of a quality consistent with information obtained by the Secretary pursuant to subsection (h) or (i) of section 510;

''(F) whether this subsection is advancing efforts to allow device establishments to rely upon third-party inspections for purposes of compliance with the laws of foreign governments; and

''(G) whether the Congress should continue, modify, or terminate the program under this subsection.

''(13) The Secretary shall include in the annual report required under section 903(g) the names of all accredited persons and the particular activities under this subsection for which each such person is accredited and the name of each accredited person whose accreditation has been withdrawn during the year.''.

(b) MAINTENANCE OF RECORDS.—Section 704(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(f)) is amended—

(1) in paragraph (1), in the first sentence, by striking ''A person accredited'' and all that follows through ''shall maintain records'' and inserting the following: ''An accredited person described in paragraph (3) shall maintain records'';

(2) in paragraph (2), by striking ''a person accredited under section 523'' and inserting ''an accredited person described in paragraph (3)''; and

(3) by adding at the end the following paragraph:

''(3) For purposes of paragraphs (1) and (2), an accredited person described in this paragraph is a person who—

''(A) is accredited under subsection (g); or

''(B) is accredited under section 523.''.

(c) CONFORMING AMENDMENT.—Section 510(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(h)) is amended by inserting after ''duly designated by the Secretary'' the following: '', or by persons accredited to conduct inspections under section 704(g),''.

SEC. 202. THIRD PARTY REVIEW OF PREMARKET NOTIFICATION.

Section 523 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360m) is amended—

(1) in subsection (c), by striking ''The authority'' and all that follows and inserting the following: ''The authority provided by this section terminates October 1, 2007.''; and

(2) by adding at the end the following subsection:

''(d) REPORT.—Not later than January 10, 2007, the Secretary shall conduct a study based on the experience under the program under this section and submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, a report describing the findings of the study. The objectives of the study shall include determining—

''(1) the number of devices reviewed under this section;

''(2) the number of devices reviewed under this section that were ultimately cleared by the Secretary;

''(3) the number of devices reviewed under this section that were ultimately not cleared by the Secretary;

''(4) the average time period for a review under this section (including the time it takes for the Secretary to review a recommendation of an accredited person under subsection (a) and determine the initial device classification);

''(5) the average time period identified in paragraph (4) compared to the average time period for review of devices solely by the Secretary pursuant to section 510(k);

''(6) if there is a difference in the average time period under paragraph (4) and the average time period under paragraph (5), the reasons for such difference;

''(7) whether the quality of reviews under this section for devices for which no guidance has been issued is qualitatively inferior to reviews by the Secretary for devices for which no guidance has been issued;

''(8) whether the quality of reviews under this section of devices for which no guidance has been issued is qualitatively inferior to reviews under this section of devices for which guidance has been issued;

''(9) whether this section has in any way jeopardized or improved the public health;

''(10) any impact of this section on resources available to the Secretary to review reports under section 510(k); and

''(11) any suggestions for continuation, modification (including expansion of device eligibility), or termination of this section that the Secretary determines to be appropriate.''.

SEC. 203. DESIGNATION AND REGULATION OF COMBINATION PRODUCTS.

Section 503(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(g)) is amended—

(1) in paragraph (1) -

(A) in the first sentence, by striking ''shall designate a component of the Food and Drug Administration'' and inserting ''shall in accordance with this subsection assign an agency center''; and

(B) in each of subparagraphs (A) through (C), by striking ''the persons charged'' and inserting ''the agency center charged'';

(2) by redesignating paragraph (4) as paragraph (5);

(3) by inserting after paragraph (3) the following paragraph:

''(4)(A) Not later than 60 days after the date of the enactment of this paragraph, the Secretary shall establish within the Office of the Commissioner of Food and Drugs an office to ensure the prompt assignment of combination products to agency centers, the timely premarket review of such products, and consistent and appropriate postmarket regulation of like products subject to the same statutory requirements to the extent permitted by law. Additionally, the office shall, in determining whether a product is to be designated a combination product, consult with the component within the Office of the Commissioner of Food and Drugs that is responsible for such determinations. Such office (referred to in this paragraph as the 'Office') shall have appropriate scientific and medical expertise, and shall be headed by a director.

''(B) In carrying out this subsection, the Office shall, for each combination product, promptly assign an agency center with primary jurisdiction in accordance with paragraph (1) for the premarket review of such product.

''(C) In carrying out this subsection, the Office shall ensure timely and effective premarket reviews by overseeing and coordinating reviews involving more than one agency center.

''(D) In carrying out this subsection, the Office shall ensure the consistency and appropriateness of postmarket regulation of like products subject to the same statutory requirements to the extent permitted by law. Nothing in this paragraph shall be construed to limit the postmarket regulatory authority of any agency center.

''(E) In order to ensure the timeliness of the premarket review of a combination product, the agency center with primary jurisdiction for the product, and the consulting agency center, shall be responsible to the Office with respect to the timeliness of the premarket review.

''(F)(i) Any dispute regarding the timeliness of the premarket review of a combination product may be presented to the Office for resolution, unless the timeliness of the dispute is clearly premature.

''(ii) During the review process, any dispute regarding the substance of the premarket review may be presented to the Commissioner of Food and Drugs after first being considered by the agency center with primary jurisdiction of the premarket review, under the scientific dispute resolution procedures for such center. The Commissioner of Food and Drugs shall consult with the Director of the Office in resolving the substantive dispute.

''(G) The Secretary, acting through the Office, shall review each agreement, guidance, or practice of the Secretary that is specific to the assignment of combination products to agency centers and shall determine whether the agreement, guidance, or practice is consistent with the requirements of this subsection. In carrying out such review, the Secretary shall consult with stakeholders and the directors of the agency centers. After such consultation, the Secretary shall determine whether to continue in effect, modify, revise, or eliminate such agreement, guidance, or practice, and shall publish in the Federal Register a notice of the availability of such modified or revised agreement, guidance or practice. Nothing in this paragraph shall be construed as preventing the Secretary from following each agreement, guidance, or practice until continued, modified, revised, or eliminated.

''(H) Not later than one year after the date of the enactment of this paragraph and annually thereafter, the Secretary shall report to the appropriate committees of Congress on the activities and impact of the Office. The report shall include provisions—

''(i) describing the numbers and types of combination products under review and the timeliness in days of such assignments, reviews, and dispute resolutions;

''(ii) identifying the number of premarket reviews of such products that involved a consulting agency center; and

''(iii) describing improvements in the consistency of postmarket regulation of combination products.''; and

(4) in paragraph (5) (as redesignated by paragraph (2) of this section)—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(B) by inserting before subparagraph (B) the following subparagraph:

''(A) The term 'agency center' means a center or alternative organizational component of the Food and Drug Administration.''.

SEC. 204. REPORT ON CERTAIN DEVICES.

Not later than one year after the date of enactment of this Act, the Secretary of Health and Human Services shall report to the appropriate committees of Congress on the timeliness and effectiveness of device premarket reviews by centers other than the Center for Devices and Radiological Health. Such report shall include information on the times required to log in and review original submissions and supplements, times required to review manufacturers' replies to submissions, and times to approve or clear such devices. Such report shall contain the Secretary's recommendations on any measures needed to improve performance including, but not limited to, the allocation of additional resources. Such report also shall include the Secretary's specific recommendation on whether responsibility for regulating such devices should be reassigned to those persons within the Food and Drug Administration who are primarily charged with regulating other types of devices,

and whether such a transfer could have a deleterious impact on the public health and on the safety of such devices.

SEC. 205. ELECTRONIC LABELING.

Section 502(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(f)) is amended by adding at the end the following: ''Required labeling for prescription devices intended for use in health care facilities may be made available solely by electronic means provided that the labeling complies with all applicable requirements of law and, that the manufacturer affords health care facilities the opportunity to request the labeling in paper form, and after such request, promptly provides the health care facility the requested information without additional cost.''.

SEC. 206. ELECTRONIC REGISTRATION.

Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) is amended by adding at the end the following:

''(p) Registrations under subsections (b), (c), (d), and (i) (including the submission of updated information) shall be submitted to the Secretary by electronic means, upon a finding by the Secretary that the electronic receipt of such registrations is feasible, unless the Secretary grants a request for waiver of such requirement because use of electronic means is not reasonable for the person requesting such waiver.''.

SEC. 207. INTENDED USE.

Section 513(i)(1)(E) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(i)(1)(E)) is amended by striking clause (iv).

SEC. 208. MODULAR REVIEW.

Section 515(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(c)) is amended by adding at the end the following:

''(3)(A) Prior to the submission of an application under this subsection, the Secretary shall accept and review portions of such applications that applicants and the Secretary agree are complete, ready, and appropriate for review.

''(B) Each portion of a submission reviewed under subparagraph (A) and found acceptable by the Secretary shall not be further reviewed after receipt of an application that satisfies the requirements of paragraph (1), unless issues of safety or effectiveness provide the Secretary cause to review such accepted portion.

''(C) Whenever the Secretary determines that a portion of a submission under subparagraph (A) is unacceptable, the Secretary shall specifically identify, in writing, the deficiency of such portion and describe in detail the means by which it may be made acceptable, unless the sponsor is no longer pursuing the application.''.

SEC. 209. PEDIATRIC EXPERTISE REGARDING CLASSIFICATION-PANEL REVIEW OF PREMARKET APPLICATIONS.

Section 515(c)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(c)(2)) is amended by adding at the end the following: ''If the Secretary determines that there is a reasonable likelihood that the device involved will be used in a pediatric population, the Secretary shall ensure that such panel includes, or consults with, one or more pediatric experts.''.

SEC. 210. INTERNET LIST OF CLASS II DEVICES EXEMPTED FROM REQUIREMENT OF PREMARKET NOTIFICATION.

Section 510(m)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(m)(1)) is amended by adding at the end the following: ''The Secretary shall publish such list on the Internet site of the Food and Drug Administration. The list so published shall be updated not later than 30 days after each revision of the list by the Secretary.''.

SEC. 211. STUDY BY INSTITUTE OF MEDICINE OF POSTMARKET SURVEILLANCE REGARDING PEDIATRIC POPULATIONS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall request the Institute of Medicine to enter into an agreement with the Secretary under which such Institute conducts a study for the purpose of determining whether the system under the Federal Food, Drug, and Cosmetic Act for the postmarket surveillance of medical devices provides adequate safeguards regarding the use of devices in pediatric populations.

(b) CERTAIN MATTERS.—The Secretary shall ensure that determinations made in the study under subsection (a) include determinations of—

(1) whether postmarket surveillance studies of implanted medical devices are of long enough duration to evaluate the impact of growth and development for the number of years that the child will have the implant, and whether the studies are adequate to evaluate how children's active lifestyles may affect the failure rate and longevity of the implant; and

(2) whether the amount of funds allocated for postmarket surveillance by the Food and Drug Administration of medical devices used in pediatric populations is sufficient to provide adequate safeguards for such populations, taking into account the Secretary's monitoring of commitments made at the time of approval of medical devices, such as phase IV trials, and the Secretary's monitoring and use of adverse reaction reports, registries, and other postmarket surveillance activities.

(c) REPORT TO CONGRESS.—The Secretary shall ensure that, not later than four years after the date of the enactment of this Act, a report describing the findings of the study under subsection (a) is submitted to the Congress. The report shall include any recommendations of the Secretary for administrative or legislative changes to the system of postmarket surveillance referred to in such subsection.

SEC. 212. GUIDANCE REGARDING PEDIATRIC DEVICES.

Section 520 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j) is amended by adding at the end the following subsection:

''Guidance Regarding Pediatric Devices

''(n) Not later than 270 days after the date of the enactment of the Medical Device User Fee and Modernization Act of 2002, the Secretary shall issue guidance on the following:

''(1) The type of information necessary to provide reasonable assurance of the safety and effectiveness of devices intended for use in pediatric populations.

''(2) Protections for pediatric subjects in clinical investigations of the safety or effectiveness of such devices.''.

SEC. 213. BREAST IMPLANTS; STUDY BY COMPTROLLER GENERAL.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine the following with respect to breast implants:

(1) The content of information typically provided by health professionals to women who consult with such professionals on the issue of whether to undergo breast implant surgery.

(2) Whether such information is provided by physicians or other health professionals, and whether the information is provided verbally or in writing.

(3) Whether the information provided presents a fair and balanced statement of the risks and benefits of receiving the implants (taking into account the frequency of updates to the information), and if so, at what point in the process of determining whether to undergo surgery is such information provided.

(4) Whether women understand the information that is provided (including full appreciation of the risks), and whether and to what extent the information influences the decision to receive the implants.

(5) The number of adverse events that have been reported, and whether such events have been adequately investigated.

(6) With respect to women who participate as subjects in research being carried out regarding the safety and effectiveness of breast implants:

(A) The content of information provided to the women during the process of obtaining the informed consent of the women to be subjects, and whether such information is appropriately updated.

(B) Whether such process provides written explanations of the criteria for being subjects in the research.

(C) The point at which, in the planning or conduct of the research, the women are provided information regarding the provision of informed consent to be subjects.

(D) Whether, before providing informed consent, the women fully appreciate the risks of being subjects in the research.

(b) REPORT.—The Comptroller General shall submit to the Congress a report describing the findings of the study.

(c) DEFINITION.—For purposes of this section, the term ''breast implant'' means a breast prosthesis that is implanted to augment or reconstruct the female breast.

SEC. 214. BREAST IMPLANTS; RESEARCH THROUGH NATIONAL INSTITUTES OF HEALTH.

(a) REPORT ON STATUS OF CURRENT RESEARCH.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Institutes of Health shall submit to the Congress a report describing the status of research on breast implants (as defined in section 213(c)) being conducted or supported by such Institutes.

(b) RESEARCH ON LONG-TERM IMPLICATIONS.—Part H of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by adding at the end of the following section:

''SEC. 498C. BREAST IMPLANT RESEARCH.

''(a) IN GENERAL.—The Director of NIH shall conduct or support prospective or retrospective research to examine the long-term health implications of both saline and silicone breast implants. If scientifically appropriate, such research studies may include the following:

''(1) A multidisciplinary study of women who have received silicone and saline implants and have had an implant for a sufficient amount of time to allow for appropriate comparison as to the long-term health consequences.

''(2) A comparison of women receiving implants for reconstruction after mastectomy to breast cancer patients who have not had reconstruction, including subsets of women with saline implants and women with silicone implants.

''(b) DEFINITION.—For purposes of this section, the term 'breast implant' means a breast prosthesis that is implanted to augment or reconstruct the female breast.''.

TITLE III—ADDITIONAL AMENDMENTS

SEC. 301. IDENTIFICATION OF MANUFACTURER OF MEDICAL DEVICES.

(a) IN GENERAL.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352) is amended by adding at the end the following:

''(u) If it is a device, unless it, or an attachment thereto, prominently and conspicuously bears the name of the manufacturer of the device, a generally recognized abbreviation of such name, or a unique and generally recognized symbol identifying such manufacturer, except that the Secretary may waive any requirement under this paragraph for the device if the Secretary determines that compliance with the requirement is not feasible for the device or would compromise the provision of reasonable assurance of the safety or effectiveness of the device.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect 18 months after the date of the enactment of this Act, and only applies to devices introduced or delivered for introduction into interstate commerce after such effective date.

SEC. 302. SINGLE-USE MEDICAL DEVICES.

(a) REQUIRED STATEMENTS ON LABELING.—

(1) IN GENERAL.—Section 502 of the Federal Food, Drug, and Cosmetic Act, as amended by section 301 of this Act, is amended by adding at the end the following:

''(v) If it is a reprocessed single-use device, unless all labeling of the device prominently and conspicuously bears the statement 'Reprocessed device for single use. Reprocessed by ____.' The name of the manufacturer of the reprocessed device shall be placed in the space identifying the person responsible for reprocessing.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect 15 months after the date of the enactment of this Act, and only applies to devices introduced or delivered for introduction into interstate commerce after such effective date.

(b) PREMARKET NOTIFICATION.—Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) is amended by inserting after subsection (n) the following:

''(o)(1) With respect to reprocessed single-use devices for which reports are required under subsection (k):

''(A) The Secretary shall identify such devices or types of devices for which reports under such subsection must, in order to ensure that the device is substantially equivalent to a predicate device, include validation data, the types of which shall be specified by the Secretary, regarding cleaning and sterilization, and functional performance demonstrating that the single-use device will remain substantially equivalent to its predicate device after the maximum number of times the device is reprocessed as intended by the person submitting the premarket notification. Within one year after enactment of this subsection, the Secretary shall publish in the Federal Register a list of the types so identified, and shall revise the list as appropriate. Reports under subsection (k) for devices or types of devices within a type included on the list are, upon publication of the list, required to include such validation data.

''(B) In the case of each report under subsection (k) that was submitted to the Secretary before the publication of the initial list under subparagraph (A), or any revision thereof, and was for a device or type of device included on such list, the person who submitted the report under subsection (k) shall submit validation data as described in subparagraph (A) to the Secretary not later than nine months after the publication of the list. During such nine-month period, the Secretary may not take any action under this Act against such device solely on the basis that the validation data for the device have not been submitted to the Secretary. After the submission of the validation data to the Secretary, the Secretary may not determine that the device is misbranded under section 502(o), adulterated under section 501(f)(1)(B), or take action against the device under section 301(p) for failure to provide any information required by subsection (k) until (i) the review is terminated by withdrawal of the submission of the report under subsection (k); (ii) the Secretary finds the data to be acceptable and issues a letter; or (iii) the Secretary determines that the device is not substantially equivalent to a predicate device. Upon a determination that a device is not substantially equivalent to a predicate device, or if such submission is withdrawn, the device can no longer be legally marketed.

''(C) In the case of a report under subsection (k) for a device identified under subparagraph (A) that is of a type for which the Secretary has not previously received a report under such subsection, the Secretary may, in advance of revising the list under subparagraph (A) to include such type, require that the report include the validation data specified in subparagraph (A).

''(D) Section 502(o) applies with respect to the failure of a report under subsection (k) to include validation data required under subparagraph (A).

''(2) With respect to critical or semicritical reprocessed single-use devices that, under subsection (l) or (m), are exempt from the requirement of submitting reports under subsection (k):

''(A) The Secretary shall identify such devices or types of devices for which such exemptions should be terminated in order to provide a reasonable assurance of the safety and effectiveness of the devices. The Secretary shall publish in the Federal Register a list of the devices or types of devices so identified, and shall revise the list as appropriate. The exemption for each device or type included on the list is terminated upon the publication of the list. For each report under subsection (k) submitted pursuant to this subparagraph the Secretary shall require the validation data described in paragraph (1)(A).

''(B) For each device or type of device included on the list under subparagraph (A), a report under subsection (k) shall be submitted to the Secretary not later than 15 months after the publication of the initial list, or a revision of the list, whichever terminates the exemption for the device. During such 15-month period, the Secretary may not take any action under this Act against such device solely on the basis that such report has not been submitted to the Secretary. After the submission of the report to the Secretary the Secretary may not determine that the device is misbranded under section 502(o), adulterated under section 501(f)(1)(B), or take action against the device under section 301(p) for failure to provide any information required by subsection (k) until (i) the review is terminated by withdrawal of the submission; (ii) the Secretary determines by order that the device is substantially equivalent to a predicate device; or (iii) the Secretary determines by order that the device is not substantially equivalent to a predicate device. Upon a determination that a device is not substantially equivalent to a predicate device, the device can no longer be legally marketed.

''(C) The initial list under subparagraph (A) shall be published not later than 18 months after the effective date of this subsection.

''(D) Section 502(o) applies with respect to the failure to submit a report under subsection (k) that is required pursuant to subparagraph (A), including a failure of the report to include validation data required in such subparagraph.

''(E) The termination under subparagraph (A) of an exemption under subsection (l) or (m) for a critical or semicritical reprocessed single-use device does not terminate the exemption under subsection (l) or (m) for the original device.

''(3) In the case of a reprocessed single-use device that is classified in class III and for which a premarket application is required, the following provisions apply with respect to such reprocessed device in lieu of an application for premarket approval under section 515:

''(A) The device shall not be introduced into interstate commerce or delivered for introduction into interstate commerce unless the person involved has submitted to the Secretary a report in accordance with this paragraph and the Secretary, after reviewing the report, issues an order determining there is a reasonable assurance of the safety and effectiveness for the device.

''(B) The report under subparagraph (A) shall contain the following:

''(i) The device name, including both the trade or proprietary name and the common or usual name.

''(ii) The establishment registration number of the owner or operator submitting the report.

''(iii) Actions taken to comply with performance standards under section 514.

''(iv) Proposed labels, labeling, and advertising sufficient to describe the device, its intended use, and directions for use.

''(v) Full reports of all information, published or known to or which should be reasonably known to the applicant, concerning investigations which have been made to show whether or not a device is safe or effective.

''(vi) A description of the device's components, ingredients, and properties.

''(vii) A full description of the methods used in, and the facilities and controls used for, the reprocessing and packing of the device.

''(viii) Such samples of the device that the Secretary may reasonably require.

''(ix) A financial certification or disclosure statement or both, as required by part 54 of title 21, Code of Federal Regulations.

''(x) A statement that the applicant believes to the best of the applicant's knowledge that all data and information submitted to the Secretary are truthful and accurate and that no material fact has been omitted in the report.

''(xi) Any additional data and information that the Secretary determines is necessary to determine whether there is reasonable assurance of safety and effectiveness for the reprocessed device.

''(C) In addition to the information or data required in subparagraph (B), the report under subparagraph (A) shall include the validation data described in paragraph (1)(A) that demonstrates that the reasonable assurance of the safety or effectiveness of the device will remain after the maximum number of times the device is reprocessed as intended by the person submitting the report under this paragraph.''.

(c) DEFINITIONS.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

''(ll)(1) The term 'single-use device' means a device that is intended for one use, or on a single patient during a single procedure.

''(2)(A) The term 'reprocessed', with respect to a single-use device, means an original device that has previously been used on a patient and has been subjected to additional processing and manufacturing for the purpose of an additional single use on a patient. The subsequent processing and manufacture of a reprocessed single-use device shall result in a device that is reprocessed within the meaning of this definition.

''(B) A single-use device that meets the definition under subparagraph (A) shall be considered a reprocessed device without regard to any description of the device used by the manufacturer of the device or other persons, including a description that uses the term 'recycled' rather than the term 'reprocessed'.

''(3) The term 'original device' means a new, unused single-use device.

''(mm)(1) The term 'critical reprocessed single-use device' means a reprocessed single-use device that is intended to contact normally sterile tissue or body spaces during use.

''(2) The term 'semi-critical reprocessed single-use device' means a reprocessed single-use device that is intended to contact intact mucous membranes and not penetrate normally sterile areas of the body.''.

(d) PROHIBITED ACTS.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331), as amended by section 321(b)(2) of Public Law 107–188, is amended by adding at the end the following:

''(gg) The introduction or delivery for introduction into interstate commerce of any device in violation of section 510(o)(3).''.

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

The Chair recognizes the gentleman from North Carolina (Mr. BURR).

GENERAL LEAVE

Mr. BURR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation, H.R. 3580.

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

There was no objection.

Mr. BURR of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 3580, the Medical Device User Fee and Modernization Act. This bill represents a bipartisan agreement reached after months of negotiation. I commend the sponsors of this legislation, the gentleman from Pennsylvania (Mr. GREENWOOD) and the gentlewoman from California (Ms. ESHOO), as well as the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Florida (Mr. BILIRAKIS), the gentleman from Michigan (Mr. DINGELL), the gentleman from Ohio (Mr. BROWN), and the gentleman from California (Mr. WAXMAN) for their efforts in reaching an agreement on this very important legislation.

Further, I would like to thank our highly skilled legislative counsel, Pete Goodloe, for his tireless work in drafting this bill.

The medical device industry is one of the most innovative industries regulated by the Food and Drug Administration. Whereas other regulated industries have products with life cycles measured in decades, the life cycles for medical devices are measured, in many cases, in months. In this industry, the rule is simply innovate or die.

When an industry is innovative, we need to ensure that their devices receive an efficient review by the Food and Drug Administration. The best ways we can help is to provide the agency with more resources. This bill will do just that, by providing the FDA with more than $200 million over the next 5 years. With this new money, the agency will be able to hire more reviewers and update information on technology.

The user fee approach used in this bill is similar to the initial version of the very successful Prescription Drug User Fee Act. Under this proposal, the industry will pay application fees to the FDA in exchange for the FDA's promise to meet performance goals. We have also built in protections for smaller businesses, exempting many from fees for their first pre-market application.

Also included in the bill are needed regulatory reforms, the most important of which is the creation of a third-party inspection. Under third-party inspection, companies with good inspection records will be able to select an independent FDA-accredited third party to perform their FDA inspection. This will provide FDA with more inspectional information. Further, by adopting this approach, we empower companies to schedule their various international inspections along with their FDA inspections. By allowing third-party inspections, we are sending a signal to the rest of the world that they are an acceptable alternative, hopefully leading to a more mutual recognition. Importantly, this provision also requires FDA to maintain their current level of effort for FDA inspections.

Finally, this bill includes medical device processing reforms which ensure that device end-users always know if the devices they use have been reprocessed. Let me be perfectly clear. There is absolutely no hard evidence that reprocessing devices are unsafe or ineffective. Nonetheless, because these devices can be different than original devices, we empower the FDA to collect better data. It is good policy, good public policy; and it deserves the support of this House, just as it has the support of the affected manufacturers and the hospitals.

Again, I would urge my colleagues to offer a strong ''yea'' vote in favor of this bipartisan legislation. The spirit of this bill reflects the House at its finest.

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

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

Mr. Speaker, the medical device legislation we are considering today is the product of lengthy, bipartisan negotiations. It is a good compromise bill. I appreciate the majority's willingness to work with us to ensure the legislation promotes timely access to medical devices without compromising FDA's ability to do its job, that is, to ensure medical products, both drugs and devices, are safe and effective for their intended uses and to make sure these products are promoted to the medical community and to the public in an accurate manner, and for the benefit of the FDA's general counsel, who has repeatedly questioned FDA's authority to regulate the advertising associated with drugs and devices. When I say promoted in an accurate manner, I mean accurate labeling and accurate balanced advertising. After all, a product is no longer safe and effective if it is being marketed as something it is not.

I mentioned Dan Troy, who is not unlike other Bush appointees to FDA, HHS, OMB, former drug company employees, people like Ann Marie Lynch, who was with PhRMA and now is a deputy assistant of HHS; Mitch Daniels, in the cabinet, OMB, a former executive with Eli Lilly; Linda Skladany, a deputy commissioner for the Food and Drug Administration; all people from PhRMA, all people from the big drug industry who are positioned throughout this administration, unfortunately making drug policy and, frankly, turning the FDA into a little bit too cozy an agency in its relationship with drug companies when it is supposed to be protecting the public interests.

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But that is a story and a battle for another day.

I want to thank the gentleman from Louisiana (Chairman TAUZIN); the gentleman from Florida (Chairman BILIRAKIS); the ranking member, the gentleman from Michigan (Mr. DINGELL); the gentleman from Pennsylvania (Mr. GREENWOOD); and my friend, the gentlewoman from California (Ms. ESHOO); for their work on this bill and extend a special thanks to Brent Delmonte and Steve Tilton with the majority and John Ford and David Nelson on our staff.

It is clearly in the public's interest for Congress to promote timely access to safe and effective medical devices. This bill advances that goal. This legislation establishes a user fee to provide FDA added funds for the review of medical devices.

It is no secret that resource shortfalls have hindered the review process in the past, and additional resources are crucial to ensure the timeliness and quality of device reviews. However, as we learned in the Prescription Drug User Fee Act, it is crucial to couple expedited review of new medical products with effective postmarket surveillance of these products.

When we speed up approval of medical products, be they prescription drugs or medical devices, we owe it to the people of the country, the users of these products, the medical devices and the prescription drugs, to make sure these products are watched for safety and effectiveness problems after approval.

Again, under the Bush administration, under Republican control of FDA, we have seen an agency that has gotten cozier with the industry, from its statements to our committee, from its public statements and, most importantly, from the appointees to that agency from the industry. It is particularly important we have this postmarket surveillance so we can see how these drugs and medical devices operate once in the general population.

While I believe a portion of the device user fees should be used to support postmarket surveillance activities, I appreciate the majority's willingness to try to accommodate the underlying concern by establishing an increased authorization specifically for postmarket surveillance activities.

This legislation initiates third-party inspection of medical device facilities. Allowing device manufacturers to pay private parties to carry out required inspections of their plants, rather than be inspected by the FDA, is controversial. Like the user fee program, it raises, again, with an FDA that is a little bit too cozy with industry, it raises significant conflict of interest issues.

Ideally, FDA would be given sufficient resources to carry out its review and inspection responsibilities without needing to rely on either user fees or delegation of its responsibilities to private parties.

I recognize, however, that FDA has not received sufficient resources to carry out all their responsibilities that we have given it. In the absence of adequate appropriations, the agency is not conducting required inspections in a timely manner, nor meeting statutory deadline lines for some device reviews.

Given this reality, it is appropriate to explore alternatives. While Congress and FDA will need to carefully monitor the user fee and third-party inspection

programs to ensure that the public is being well served by them, it makes sense to give these programs a chance.

I urge my colleagues' support for the bill.

Madam Speaker, I reserve the balance of my time.

Mr. BURR of North Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I appreciate the remarks from the gentleman from Ohio (Mr. BROWN). I think that, clearly, there will be a continuing debate in Washington around whether we fund agencies at an adequate level. The reality is that agencies have the determination to decide where they put their funding, and in many cases it is our responsibility to make sure that we bring them back focused on their core mission. In the case of the FDA, it is on food safety, it is on the approval of pharmaceutical applications, and it is on the approval of medical devices. I think we enhance that likelihood with the passage of this bill.

Madam Speaker, I reserve the balance of my time.

Mr. BROWN of Ohio. Madam Speaker, I yield 5 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Madam Speaker, I thank our ranking member of the Subcommittee on Health for yielding time to me.

Madam Speaker, I am so pleased, I am really very excited, that the House is considering this evening H.R. 3580, legislation which I introduced with my wonderful colleague, the gentleman from Pennsylvania (Mr. GREENWOOD), and worked with so many others on.

It has been over a long period of time, not a short period of time, so I think that is why we are very excited that we have finally made it to the floor in the culmination of our work. It is a bipartisan bill, and it really is ultimately about patients, patients in our country, about making sure that patients are able to safely benefit from the wonders of medical technology in a very timely manner.

As medical technologies have become more advanced, it takes more government resources to ensure that these products are safe and effective. That falls to a Federal agency, and that is the Food and Drug Administration. They regulate medical devices, and they have been overwhelmed by the volume of new products that they must review.

So, number one, under this bill, and for the very first time in the history of our country, the medical device industry has agreed and will pay fees to the FDA for every product they propose to market. It is a very important change, something that was fought several years ago, but the industry has now moved to this position, and I think that it is a wise one. The fees will help the FDA hire additional staff and purchase needed equipment so that they can review the products on a timely basis.

Number two, the bill also increases resources for additional inspections of manufacturing plants and facilities.

I would just like to take a moment to say to my distinguished colleague, the gentleman from Ohio, that in terms of third-party inspections, these are not private sector people that companies just go out and choose; in other words, put the fox in charge of the chicken coop. Not so. The FDA will create a pool of inspectors who then will be available to companies, and that is what we call third-party inspection in the bill. I think there is a huge difference between the two.

The bill also creates an Office of Combination Products to shepherd advanced products such as devices with drug coding through the approval process, so this new administrative flexibility allows the FDA to devote its resources to the devices that patients need most.

Number three, and finally, the bill creates a way to regulate reprocessed devices. I have felt pretty strongly about this. I offered a bill in the Congress some time ago on it. These are products such as needles and catheters, and I think most people do not realize that this is done, which are often used a second, third, or fourth time in patients after they have been reprocessed. That does raise safety concerns, so the bill requires that reprocessed products undergo additional scrutiny by the FDA and that they be held to the highest standards the FDA can apply.

I think that this is a real achievement. I have been after the FDA to do this for some time, and the bill accomplishes that. I think it is a win for the American people.

It also requires that doctors, who are often unaware that they are using reprocessed devices, be informed about the reused device so they, in turn, can advise their patients.

Now I want to close by saying my thanks to the gentleman from Pennsylvania (Mr. GREENWOOD); to the gentleman from Louisiana (Chairman TAUZIN); to the gentleman from Florida (Chairman Bilirakis); to the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Commerce; to the gentleman from California (Mr. WAXMAN); and certainly to the gentleman from Ohio (Mr. BROWN), the ranking member of our subcommittee; for their highly cooperative work over the last 6 months.

I also want to single out my own legislative director, Anne Wilson. Anne Wilson has literally spent hundreds of hours on this issue. She has negotiated on weekends, she has gone to meetings at night, gotten home in the morning, and then come into the office. I think that it is fair to say that we would not be here this evening were it not for the extraordinary work that Anne has done, and we are all grateful to her.

I also would like to thank Pat Morrissey, Brent Delmonte, and Steve Tilton of the staff of the gentleman from Louisiana (Chairman Tauzin); Jenny Hansen of the office of the gentleman from North Carolina (Mr. BURR), my friend, Mr. BURR; Allen Eisenberg of the office of the gentleman from Pennsylvania (Mr. GREENWOOD); John Ford of the office of the gentleman from Michigan (Mr. DINGELL); Anne Witt of the office of the gentleman from California (Mr. WAXMAN); and Jeremy Sharp of the office of the gentlewoman from California (Mrs. CAPPS).

This is an important bill, and it would not have been completed without the kind of work that we have all underscored this evening.

I think we have come a long way, Madam Speaker; and I think we have created something that will serve the American people well. I urge the entire House to support this important legislation.

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

Mr. BURR of North Carolina. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me add, before I yield back my time, the fabulous commitment that the gentlewoman from California (Ms. ESHOO) has made to this bill, as well as the gentleman from Pennsylvania (Mr. GREENWOOD) on our side.

I think the gentlewoman from California stated it very well: It was the ability of those who worked, staff and Members of the Committee on Commerce, to stay focused on patients and, ultimately, the advantages to those patients that a successful end to this legislation might bring to the approval process on medical devices. That means that tonight this bill will pass the House of Representatives. For that, I am grateful to the gentlewoman from California.

Mr. GREENWOOD. Mr. Speaker, today, we consider in the House under suspension H.R. 3580, a bill that I originally introduced with congresswoman ANNA ESHOO, but has become so much more. Thanks to a cooperative and bi-partisan approach, this bill has now become a vehicle for an array of reforms that are perhaps the most sweeping for medical device reviews since the medical device amendments of 1976.

First, let me thank chairman TAUZIN, chairman BILIRAKIS, and ranking members DINGELL and BROWN, as well as Mr. WAXMAN and each of your staffs. This has been an outstanding example of teamwork and bipartisanship.

In particular, I want to recognize the following staff for their outstanding work on this bill: Brent Delmonte; Patrick Morrisey; David Nelson; Anne Wilson; Karen Nelson; John Ford; Ann Witt; Steven Tilton; Jenny Hansen; Ellie DeHoney; and Alan Eisenberg. Also I want to thank the legislative counsel, Pete Goodloe.

Mr. Speaker, last year many of us became much better versed in some of the extraordinary new technologies developed by medical device companies as we learned about the pacemaker and defibrilator that Vice President

CHENEY had implanted. Smaller than a deck of cards, implantable under the collarbone, and able to be implanted in a one-day outpatient procedure, this is a truly remarkable device.

This is the type of technology that Congress needs to make sure is being reviewed quickly and thoroughly by FDA—because these devices hold out the promise of making a difference in people's lives.

Nearly five years ago, we made changes to the FDA when we passed FDAMA, to improve the speed and responsiveness of the agency. The response to those reforms by the FDA has been, for the most part, positive.

But that is not to say we can't do better. The needs of patients demand nothing less. Given that clinical practices are moving more and more toward minimally invasive and increasingly complex devices, performances improvement by the FDA is vital to our public health.

H.R. 3580 accomplishes this. It is comprehensive. It will permanently alter the landscape for device reviews while maintaining and I believe increasing the safeguards of devices as ''Safe and Effective.''

Let me just briefly mention a few of these provisions.

User Fee Program. The user fee program on which this committee has labored so thoroughly, will provide $40 million to the FDA in 2003, ramping up to $50 million in 2007 in new resources for speeding up the approval of the medical devices. The user fee program at FDA has worked wonders for the approval of drugs and biolgics—we just reauthorized a third round of PDUFA earlier this year. This will finally give the center for devices and radiological health (CDRH) access to similar resources so that they can provide thorough, effective reviews, in less time. And it will give CDRH the ability to make a commitment to meet a complete set of performance goals.

This bill also incorporates many of the provisions that I introduced earlier this year along with Congresswoman ESHOO:

Streamlined Approval of Combination Products: Combination products, such as drug-coated stents, are one of the most exciting areas for this industry and present challenges to the FDA's standard review mechanisms, resulting in inefficiency and delay. To alleviate these problems, this legislation creates a new office of combination products and product jurisdiction. This new office will help avoid regulatory logjams and ensure that combination products are promptly and correctly assigned to centers with the FDA.

Third Party Inspection. H.R. 3580 also expands the role of third parties and outside experts to augment the FDS resources to help FDA meet its Bienniel Manufacturing Inspection Requirements. This will be done in a carefully prescribed manner, to ensure the FDA's standards for inspection are met and that the FDA receives sound information from these outside experts.

Third Party Review. This legislation also extends the use of third party review program for one year so that it expires in conjunction with other device provisions.

Reuse Provisions. This bill responds to concerns that many ''Single-Use'' devices are reprocessed and resold to hospitals, while regulated as single-use devices, rather than as multiple-use devices. Concerns have also been raised that there are not adequate safeguards to ensure the safety and effectiveness of these devices. This legislation responds to these concerns with several new provisions that will require the FDA to examine reprocessed devices that are presently exempt from review and requires labeling of reprocessed devices by the reprocessors. Furthermore, under this language a new category of devices is created, as well as a new type of application, to ensure that complex reprocessed devices are safe and effective for use.

Medical devices are some of our health care systems' most remarkable innovations. The provisions in this bill will allow the FDA to reduce review times, increase efficiency of operations and allow these technologies to be delivered to patients more quickly. I urge a ''yes'' vote on this bill

Mr. BILIRAKIS. Mr. Speaker, unfortunately due to an unexpected passing of a close family friend I was unable to speak in person for my strong support of H.R. 3580. However, I am very pleased that you brought this legislation forward today and would ask all my colleagues to strongly support, H.R. 3580, the Medical Device User Fee and Modernization Act of 2002. I believe that this important legislation will increase access to breakthrough medical technologies, and improve efficiencies at the Food and Drug Administration (FDA).

This legislation, which enjoys broad bi-partisan support, contains three main provisions. First, the legislation authorizes, for the first time, a medical device user fee system. This user fee agreement was negotiated between the Food and Drug Administration (FDA) and industry, and it will provide FDA with the additional resources it needs to speed the review of medical devices. I would note that the user fee structure is two-tiered, and effectively recognizes the needs of small device manufacturers.

The second part of the bill contains several important regulatory reform provisions. Most importantly, the bill authorizes the creation of a new 3rd party inspection system for device manufacturing facilities. Although required under law to inspect facilities every two years, FDA currently only inspects facilities every five to seven years. The new 3rd party inspection system will in no way supplant resources FDA currently commits to inspect manufacturers—in fact, the program will cease to exist if FDA dedicates less resources to inspections than it currently does. What this new program will do is ensure that more facilities get inspected more often, which is beneficial for the public health. This program will also help to harmonize international inspections.

Finally, the legislation contains modifications to FDA's current regulatory scheme governing reprocessed single-use devices. I feel that the changes represented in this bill strike the right balance between respecting the rights of original equipment manufacturers while also recognizing the important role for device reprocessors.

I want to emphasize that this bill is bipartisan, and is the result of months of negotiations. Staffs on both sides of the aisle should be commended for the good work they put into this product, and I urge all Members to strongly support this legislation.

Ms. DEGETTE Mr. Speaker, I commend Chairman TAUZIN and the Ranking member of the full Energy and Commerce Committee, Mr. DINGELL, as well as Mr. GREENWOOD and Ms. ESHOO for their hard work on this bill. H.R. 3580 will go a long way toward ensuring that the Food and Drug Administration has the necessary resources to quickly, yet efficiently and carefully review medical device manufacturer applications.

Much like the Prescription Drug User Fee Act, reauthorized earlier this year in the bioterrorism bill, the House's action today will provide our constituents with the best of modern medicine in a more timely fashion.

Passage of this bill will assist all Americans, including the youngest Americans—our children. While I am very interested in speeding the approval process for devices that treat and cure a range of medical conditions in adults and children, I am equally as interested in ensuring that these devices are safe and effective for use by children.

That is why I want to thank Chairman TAUZIN and Mr. DINGELL for including my provisions in this bill. My provisions will aid in strengthening the bill by ensuring that medical devices are safe and effective for use by children.

To achieve this goal, the bill—in Section 209—now requires the Medical Devices Advisory Committee of the Center for Devices and Radiological Health to include or consult with pediatric experts when reviewing applications for devices that may be used by children.

The bill also requires, in Section 211, the Secretary of Health and Human Services to commission an Institute of Medicine study to examine whether the system under the Federal Food, Drug and Cosmetic Act for the postmarket surveillance of medical devices provides adequate safeguards regarding the use of devices in children. The IOM is requested to pay particular attention to the study length and adequacy of FDA resources to monitor longterm studies, in a variety of areas including shunts and other implanted devices used for infants and children.

Lastly, the bill's report language will include language recommending that a portion of new funds for post-marketing surveillance be used to assess long-term use, safety and effectiveness of medical devices in children. This language is key as children rapidly grow and a device implanted at age eight, for example an implantable insulin pump for diabetics, may not work as effectively or safely at age 12.

These additions to the bill will ensure that like adults, children will receive the best health care possible. Again, I thank Chairman TAUZIN and Ranking Member DINGELL for working with me to address these issues.

Mr. DINGELL. Mr. Speaker, I support H.R. 3580, the ''Medical Device User Fee and Modernization Act of 2002.'' This bill, for the first time, creates a user fee program for the premarket review of medical devices. This is an important step toward providing the Food and Drug Administration (FDA) with adequate resources to do the job of ensuring that the vast and often complex array of medical device applications the Agency receives each year are reviewed in a timely and competent manner.

Important safeguards in this legislation ensure that timeliness of product application review does not come at the cost of the Federal Food, Drug, and Cosmetic Act's gold standard for ensuring that those devices are safe and effective for their intended use. It also provides a down payment on an increased level of post-market surveillance and provides a process to increase this critical compliance activity when we next authorize user fees.

This Act also addresses standards for reuse of devices that have been approved for a single use. This practice, while widespread, was largely unregulated until recently. Unfortunately, the FDA's attempt to correct the matter was, to put it charitably, controversial and, from the perspective of protecting the consuming public, lacking. The bill before us strikes a balance among competing interests, while strengthening FDA's role with respect to assuring the safety of these products.

This bill also establishes a program that for the first time will allow third parties to inspect medical device facilities. The guiding principle for me in going down this road is that the program must supplement—and not supplant—FDA's legal authority, responsibility, and resources for conducting inspections and otherwise ensuring the safety of device facilities. I remain concerned about the proper implementation of this third-party inspection program and will closely watch its development.

Finally, the bill contains a number of regulatory reforms. These include electronic labeling, establishment of an office of combination products, provision for modular review of product applications, and important incentives for the industry to study the application of their devices to children.

The Medical Device User Fee and Modernization Act deserves our support. It is a bipartisan product in the best tradition of the Committee on Energy and Commerce. Members on both sides of the aisle have worked hard on this bill. In addition to my colleagues Representatives BROWN and WAXMAN, particular credit should go to Representatives CAPPS, ESHOO, LUTHER, and TOWNS who have long sought these reforms. And, of course, Chairman TAUZIN and Chairman BILIRAKIS are to be commended for their efforts and their commitment to a bipartisan product. This bill is good for both consumers and industry, and I urge its support.

Mr. BURR of North Carolina. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. HART). The question is on the motion offered by the gentleman from North Carolina (Mr. BURR) that the House suspend the rules and pass the bill, H.R. 3580, as amended.

The question was taken.

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

Mr. BURR of North Carolina. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ARMED FORCES TAX FAIRNESS ACT OF 2002

Mr. WELLER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5557) to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and Foreign Service in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes.

The Clerk read as follows:

H.R. 5557

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 ''Armed Forces Tax Fairness Act of 2002''.

SEC. 2. SPECIAL RULE FOR MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE IN DETERMINING EXCLUSION OF GAIN FROM SALE OF PRINCIPAL RESIDENCE.

(a) IN GENERAL.—Subsection (d) of section 121 of the Internal Revenue Code of 1986 (relating to exclusion of gain from sale of principal residence) is amended by adding at the end the following new paragraph:

''(10) MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE.—

''(A) IN GENERAL.—At the election of an individual with respect to a property, the running of the 5-year period described in subsection (a) with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving on qualified official extended duty as a member of the uniformed services or of the Foreign Service.

''(B) MAXIMUM PERIOD OF SUSPENSION.—The 5-year period described in subsection (a) shall not be extended more than 5 years by reason of subparagraph (A).

''(C) QUALIFIED OFFICIAL EXTENDED DUTY.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualified official extended duty' means any extended duty while serving at a duty station which is at least 150 miles from such property or while residing under Government orders in Government quarters.

''(ii) UNIFORMED SERVICES.—The term 'uniformed services' has the meaning given such term by section 101(a)(5) of title 10, United States Code, as in effect on the date of the enactment of this paragraph.

''(iii) FOREIGN SERVICE.—The term 'member of the Foreign Service' has the meaning given the term 'member of the Service' by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980, as in effect on the date of the enactment of this paragraph.

''(iv) EXTENDED DUTY.—The term 'extended duty' means any period of active duty pursuant to a call or order to such duty for a period in excess of 180 days or for an indefinite period.

''(D) SPECIAL RULES RELATING TO ELECTION.—

''(i) ELECTION LIMITED TO 1 PROPERTY AT A TIME.—An election under subparagraph (A) with respect to any property may not be made if such an election is in effect with respect to any other property.

''(ii) REVOCATION OF ELECTION.—An election under subparagraph (A) may be revoked at any time.''.

(b) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendments made by section 312 of the Taxpayer Relief Act of 1997.

(2) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the amendment made by this section is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this Act by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

SEC. 3. RESTORATION OF FULL EXCLUSION FROM GROSS INCOME OF DEATH GRATUITY PAYMENT.

(a) IN GENERAL.—Subsection (b)(3) of section 134 of the Internal Revenue Code of 1986 (relating to certain military benefits) is amended by adding at the end the following new subparagraph:

''(C) EXCEPTION FOR DEATH GRATUITY ADJUSTMENTS MADE BY LAW.—Subparagraph (A) shall not apply to any adjustment to the amount of death gratuity payable under chapter 75 of title 10, United States Code, which is pursuant to a provision of law enacted before December 31, 1991.''.

(b) CONFORMING AMENDMENT.—Subparagraph (A) of section 134(b)(3) of such Code is amended by striking ''subparagraph (B)'' and inserting ''subparagraphs (B) and (C)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to deaths occurring after September 10, 2001.

SEC. 4. EXCLUSION FOR AMOUNTS RECEIVED UNDER DEPARTMENT OF DEFENSE HOMEOWNERS ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 132(a) of the Internal Revenue Code of 1986 (relating to the exclusion from gross income of certain fringe benefits) is amended by striking ''or'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting '', or'' and by adding at the end the following new paragraph:

''(8) qualified military base realignment and closure fringe.''.

(b) QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.—Section 132 of such Code is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.—For purposes of this section, the term 'qualified military base realignment and closure fringe' means 1 or more payments under the authority of section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to offset the adverse effects on housing values as a result of a military base realignment or closure.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 5. EXPANSION OF COMBAT ZONE FILING RULES TO CONTINGENCY OPERATIONS.

(a) IN GENERAL.—Section 7508(a) of the Internal Revenue Code of 1986 (relating to time for performing certain acts postponed by reason of service in combat zone) is amended—

(1) by inserting ''or when deployed outside the United States away from the individual's permanent duty station while participating in an operation designated by the Secretary of Defense as a contingency operation (as defined in section 101(a)(13) of title 10, United States Code) or which became such a contingency operation by operation of law'' after ''section 112'',

(2) by inserting in the first sentence ''or at any time during the period of such contingency operation'' after ''for purposes of such section'',

(3) by inserting ''or operation'' after ''such an area'', and

(4) by inserting ''or operation'' after ''such area''.

(b) CONFORMING AMENDMENTS.—

(1) Section 7508(d) of such Code is amended by inserting ''or contingency operation'' after ''area''.

(2) The heading for section 7508 of such Code is amended by inserting ''**OR CONTINGENCY OPERATION**'' after ''**COMBAT ZONE**''.

(3) The item relating to section 7508 of such Code in the table of sections for chapter 77 is amended by inserting ''or contingency operation'' after ''combat zone''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any period for performing an act which has not expired before the date of the enactment of this Act.

SEC. 6. MODIFICATION OF MEMBERSHIP REQUIREMENT FOR EXEMPTION FROM TAX FOR CERTAIN VETERANS' ORGANIZATIONS.

(a) IN GENERAL.—Subparagraph (B) of section 501(c)(19) of the Internal Revenue Code of 1986 (relating to list of exempt organizations) is amended by striking ''or widowers'' and inserting '', widowers, or ancestors or lineal descendants''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 7. CLARIFICATION OF THE TREATMENT OF CERTAIN DEPENDENT CARE ASSISTANCE PROGRAMS.

(a) IN GENERAL.—Section 134(b) of the Internal Revenue Code of 1986 (defining qualified military benefit) is amended by adding at the end the following new paragraph:

''(4) CLARIFICATION OF CERTAIN BENEFITS.—For purposes of paragraph (1), such term includes any dependent care assistance program (as in effect on the date of the enactment of this paragraph) for any individual described in paragraph (1)(A).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 134(b)(3)(A) of such Code (as amended by section 3) is further amended by inserting ''and paragraph (4)'' after ''subparagraphs (B) and (C)''.

(2) Section 3121(a)(18) of such Code is amended by striking ''or 129'' and inserting '', 129, or 134(b)(4)''.

(3) Section 3306(b)(13) of such Code is amended by striking ''or 129'' and inserting '', 129, or 134(b)(4)''.

(4) Section 3401(a)(18) of such Code is amended by striking ''or 129'' and inserting '', 129, or 134(b)(4)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

(d) NO INFERENCE.—No inference may be drawn from the amendments made by this section with respect to the tax treatment of any amounts under the program described in section 134(b)(4) of the Internal Revenue Code of 1986 (as added by this section) for any taxable year beginning before January 1, 2002.

SEC. 8. PROTECTION OF SOCIAL SECURITY.

The amounts transferred to any trust fund under title II of the Social Security Act shall be determined as if this Act had not been enacted.

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

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

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

Madam Speaker, on July 9, 2002, the House of Representatives passed H.R. 5063, the Armed Forces Tax Fairness Act of 2002, by a unanimous bipartisan vote of 413 to 0. That legislation contained two important provisions that would restore equity to the Tax Code for Members of the Armed Forces.

The Senate expanded the bill by adding other provisions and passed H.R. 5063 by unanimous consent on October 3. The bill before us today, H.R. 5557, combines the House- and Senate-passed bills to provide several important tax benefits to members of our Nation's military.

First, H.R. 5557 fixes an inequity in the law relating to the capital gains exclusion on home sales. Under the present law, the first $250,000 of gain from the sale of a home is not subject to capital gains tax if the individual lived in the home for 2 of the past 5 years. The exclusion is $500,000 for married couples.

Members of the military and Foreign Service often cannot meet this residency requirement if they are transferred on extended duty. As a result, military personnel, through no fault of their own, cannot take advantage of the tax relief when they sell their homes.

The Armed Forces Tax Fairness Act of 2002 fixes this inequity by suspending the 5-year ownership test when a member of the military or Foreign Service is transferred on extended duty more than 150 miles from home.

The second provision of the bill provides tax-free treatment for gratuity death payments paid to survivors of military personnel. Under present law, survivors of the members of the Armed Forces receive a $6,000 death gratuity payment, but only half of this payment is tax-free.

□ 2200

H.R. 5063 updates the tax codes by providing tax-free treatment for the entire and full $6,000 amount.

Third, it provides that payments made under the Homeowners' Assistance Program are tax free. These payments are made to compensate members of the Armed Forces if they suffer a decline in home value because of a military base closure or realignment.

Fourth, the bill clarifies that dependent care benefits provided under a military dependent care assistance program are excludable from income. As a result, the value of employer-provided dependent care is not taxed.

Fifth, the definition of a qualified veterans organization is expanded so that more organizations qualify under the law. And, finally, the bill extends several tax filing extensions to individuals serving in a contingency operation. These benefits are already provided to individuals serving in a combat zone.

Madam Speaker, these provisions are noncontroversial and they are fair. I hope the House will join me in supporting this legislation today; and I hope that the other body, the Senate, will quickly take up the bill and send it to the President's desk for his signature before we adjourn in this Congress.

Madam Speaker, I reserve the balance of my time.

Mr. BECERRA. Madam Speaker, I yield myself such time as I might consume.

Madam Speaker, the House passed H.R. 5063, the Armed Forces Tax Fairness Act of 2002 back on July 9, 2002, by a vote of 413 to zero. Last Thursday, October 3, the Senate approved H.R. 5063 with an amendment by unanimous consent and returned the same bill to the House. The bill before us is nearly identical to the Senate-passed version of H.R. 5063 with two key differences, as my friends and colleague from Illinois (Mr. WELLER) has mentioned.

Even with these differences, even with some differences in the bill that the Senate passed which I will explore in just a few moments in more detail in my remarks, I feel it is again important for us to support our military and pass H.R. 5557. During these times when we depend on our men and women in uniform to perform the highest levels of service, and we place them in harm's way, and I need not remind people today that we have troops remaining in Afghanistan, we have National Guard troops who are patrolling our borders, and in the days ahead we will be debating the merits of the President's call for the use of force against Iraq. But given all of that, these benefits that we are trying to provide under this legislation should go to our men and women in uniform without delay.

The talk of war quickly reminds us of the willingness of our military men and women to place their lives at risk for each of us and for our country. The families deserve all the support and help we can provide.

First, this bill provides much-needed relief for favorable tax treatment to death benefits that are paid on behalf of military personnel who die in the line of duty. While the deaths gratuity received by spouses is $6,000, only half of that amount, $3,000, is currently excluded for income for tax purposes. The other $3,000 in deaths benefits incongruously gets taxed.

Under this bill, the full $6,000 that the surviving spouse of that man or woman who served our country who receive death benefits would be excluded from income for tax purposes.

Secondly, the bill would ensure that military families do not lose the current law principle residence tax gains exclusion because of extended military assignments away from home. Under current law, any American who is a taxpayer receives exclusion from taxes of up to $250,000 as an individual or if you are married and you file jointly, up to $500,000 of any gain that is realized on the sale of your principal residence. So if Jane Smith were to purchase a home today for $100,000 and in something more than 2 years have the good fortune to sell it for $350,000, Jane Smith under our current tax law would not have to pay any taxes on the $250,000 profit on the sale of her principal residence.

Many of our military personnel cannot receive this same military tax benefit because they are stationed away from home for an extended tour of duty. By being away from their home

they fail to meet one of the criteria for qualifying for this tax exclusion. One of the requirements of our tax law is that the taxpayer must have lived, owned or used his residence as the principal residence for at least 2 of the previous 5 years prior to the sale or exchange of the property.

H.R. 5557 addresses this inequity and extends appropriate consideration in tax treatment to our men and women in uniform.

Madam Speaker, as I have said, this bill includes several positive changes from the original House-passed bill that were added by the Senate. Unfortunately, two important Senate-passed provisions are not included in this bill that I would like to mention because they also affect the livelihood of our men and women in uniform.

First, the Senate had included an above the line deduction for overnight travel expenses of National Guard and Reserve members in their version of the bill. This provision would have benefited men and women who do not itemize in their tax filing, whether it is a 1040, a 1040EZ form; but for those men and women in uniform in the National Guard who do not take the time or do not have enough deductions to fill out and itemize those deductions, those individuals would not be able to benefit as a result of this legislation because the provision which had been included by the Senate to allow for an above the line deduction for these overnight travel expenses of National Guards and Reserve members has been excluded from this final version of the bill.

Many of these men and women who would have benefited happen to be modest-income soldiers often with family and they would have benefited most from the extra money in their pocket. The Senate by the way passed this provision by unanimous consent; and unfortunately, as I said, it was not included in this version of the House bill.

The second provision I would like to mention would have been the provision that would have paid for the cost of this legislation. We know from the Congressional Budget Office that we are projected to have somewhere on the order of a $300 billion deficit, not just for this year, but for several years to come. If you look at what we are doing these days to Social Security and Medicare and how we are beginning to use these monies from the trust fund because of the fact that we now are in deficit, it makes you wonder why we would want to put forward bills that were not paid for. Because every time we do that we take the chance of having to take out money from Social Security and from the Medicare trust funds. And that is not fair for those who are retired or preparing to retire.

We should be responsible and pay for these bills that we have before us, especially this one because I believe every Member of this House would agree that we should do this for our men and women in uniform. A significant provision to pay for the cost of this legislation, which was included by the Senate but dropped by this House, would have really been something that I think most Americans would have agreed with almost immediately. And that would have been a provision that would have taken what we have in current law that says that an individual who relinquishes his or her U.S. citizenship or terminates his or her U.S. residency for the purpose of avoiding U.S. income tax estate or gift taxes right now is allowed to do that. But under the Senate provision we would have said to anyone who wished to become an expatriate for the purposes of avoiding taxes that he or she would not be able to escape his or her responsibilities.

While we have men and women today, whether in Afghanistan or on our borders trying to protect us who are willing to put their lives in harm's way, we should not have individuals who are trying to relinquish their U.S. citizenship simply to avoid paying U.S. taxes to help us pay for the costs of providing our men and women the best equipment, the best training that they need in order to protect us.

The provision that the Senate had included would have raised over $650 million over the next 10 years from these expatriates who are trying to evade U.S. taxation by giving up, relinquishing their U.S. citizenship. That would have been more than two times the amount of money necessary to pay for the cost of providing these benefits to our men and women in uniform, which we would all agree are good to provide.

At the very time that we are asking our military to be prepared to defend America, it seems wholly inconsistent to allow those people who should help us pay for the cost of supporting our men and women to escape any taxation and to go abroad by relinquishing their U.S. citizenship and avoid that tax.

Madam Speaker, it is important that we again look at this legislation and pass it as quickly as possible. The Armed Forces Tax Fairness Act is something that we must do now. We will send this bill to the Senate and we hope we get a quick signature from the President.

I join my colleague from Illinois (Mr. WELLER), and I believe every Member who would have an opportunity to speak on this legislation would say that it is time that we do this. I join some of my colleagues in also expressing some dismay that we are not paying for this legislation. As much as we need it, we should be responsible and pay for it. But what we should do is pass it now. For those reasons, Madam Speaker, I too stand in support of this legislation and urge my colleagues to also vote for it.

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

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

Madam Speaker, this is important legislation. Our Nation is making very tough decisions and this Congress is making very tough decisions, and we have military men and women who are currently in combat in Afghanistan.

This is important legislation that protects their personal interest while we ask them to go overseas and put their lives at risk for our freedom as well as in our efforts to win the war on terrorism. And as we all know, the war on terrorism will neither begin or end in Afghanistan, nor will it end in a few short months, but it is expected to last years.

This legislation deserves bipartisan support. And in quick reaction to my friend and colleague's comment, I would note that there are no funds at all, none, no funds taken from Social Security or Medicare to provide for this legislation to help our military men and women. And we are not touching Social Security or Medicare. But I do want to ask for strong bipartisan support for this legislation. It is important for our military men and women that we stand in strong bipartisan support of what they do when we ask them to take the risks that they do.

As I noted earlier, this legislation has six provisions that benefit working men and women who serve in the military and I ask for an ''aye'' vote.

Mr. BUYER. Mr. Speaker, the Medical Device User Fee and Modernization Act addresses three crucial interests of the medical device community and the patients and providers it serves.

First, it has been recognized for some time that the Food and Drug Administration is not reviewing medical device applications in a timely fashion. For this to happen, FDA needs adequate resources to have personnel who have the necessary expertise to conduct reviews. This bill would address this matter by imposing user fees on the medical device community for the first time, to provide FDA additional funding for hiring and maintaining a highly skilled workforce and to implement infrastructure improvements. The FDA will also pledge to enhance its performance in reviewing and evaluating device applications.

Second, the device community would like to see more utilization of expert third parties in quality assurance of facilities and manufacturing processes and review of applications. This measure will provide flexibility in regard to inspection while retaining FDA's authority in device manufacturing.

Finally, the bill addresses concerns over the labeling and reuse of medical devices.

On the whole I think this is a balanced bill. The agreement on these provisions was reached after much hard work and it is my view that all parties negotiated in good faith to achieve the best agreement.

I am very appreciative of the adoption of several suggestions I have made to ensure that children are well served by this bill. I am pleased that the bill excludes from user fees those devices, both PMAs and 510(k)s, that are intended solely for a pediatric population. Hopefully this will provide some incentive for manufacturers to address needs in the pediatric population that cannot be met by devices used in adults.

I must also express my concerns over the user fee provisions. While I will support the

bill, I am troubled by the level at which the bill defines a ''small'' company. The bill recognizes that there are differences in large and small companies and their ability to pay user fees. The ''two-tiered'' approach to take in the application of user fees is the correct approach to take. However, the bill defines a ''small'' manufacturer as one with revenues of $10 million annually or less. This will capture only around 8 percent of medical device companies. In my opinion, this is too low and not adequate to meet the needs of small manufacturers. A more appropriate level for a ''small'' manufacturer would be around $25 to $30 million in annual revenue, companies that have 50–70 employees. The resources that must be invested in research and the testing necessary before a company even goes to FDA with an application is significant. There are individual innovators who have started companies based upon their own hard work and research. . . . modern day Thomas Edisons. While I would not say that they work out of their garages, it is true that many ideas and advances in technology have come from hard working individuals, who take the risk of starting their own medical device company. I do not want to have the federal government enact legislation that will stifle this innovation or make it impossible for the small companies to become big companies.

This past summer, I met with the representatives of many small medical device manufacturers based in Indiana. All these companies wanted is a chance to develop their products and to compete. They are very willing to play by the rules of safety and effectiveness that we impose on all manufacturers as good public policy. But because of their more limited resources, they do not want to be disadvantaged from the big companies. I agree with their concerns and, therefore, I am troubled by the level set in this bill.

Nonetheless, I intend to support the bill and I urge its adoption.

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

The SPEAKER pro tempore (Ms. HART). The question is on the motion offered by the gentleman from Illinois (Mr. WELLER) that the House suspend the rules and pass the bill, H.R. 5557.

The question was taken.

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

Mr. WELLER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. WELLER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5557.

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

There was no objection.

□ 2215

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. HART). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. GREEN of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. OSBORNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. MCNULTY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

WAR WITH IRAQ

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

Ms. KAPTUR. Madam Speaker, this evening I would like to insert several articles into the RECORD dealing with the issue of war against Iraq and the gulf, and I wanted to remind those who are listening that, indeed, if we look at the foreign policy of the United States over the last 30 years or so, we have had more Americans killed at home and abroad as a result of rising terrorism than in the first 187 years of our country.

So we have to begin to ask the question, why are we losing so many Americans in this way? Why is Washington becoming more barricaded? Why can we not go and ride in front of the White House anymore in our cars? Why are there bomb searches all over this city? Why are American embassies being built like bunkers all around the world? I would like to submit the following.

If we think back to the time when President George Bush, Senior, prior to his election as President was director of the CIA, that was about 1977, the mid-1970s, before President Jimmy Carter became President of the United States, and at the time my colleagues might recall that the Shah of Iran was deposed in the late seventies. I think it was late 1979, and many American hostages were taken, including Terry Anderson.

At the moment that Jimmy Carter's presidency reverted to Ronald Reagan after the election of 1980, the hostages were returned home. President Carter worked very, very hard, as history will record.

Then when the Reagan-Bush administration, the new administration, took over, they essentially made a deal between our country and the Gulf states to go after Ayatollah Khomeini, the new leader in those days of Iran, who had taken our hostages. And who did they hire to do the dirty work for them? They hired none other than Saddam Hussein.

They gave him weapons through the government of the United States, and, indeed, if we look back, and I am trying to find the exact set of hearings right now. In the Committee on Banking of the House of Representatives, a hearing was held regarding the extension of Treasury tax credits, agricultural tax credits to Saddam Hussein in order to buy fertilizers, in quotes, with chemicals from our country at the same time in our country's history when we would not even make those same extensions of credit to our farmers. Companies in Salem, Ohio, and Bedford, Ohio, were being asked by our Treasury to sell those same chemicals to Iraq; and, indeed, it was done.

The Gulf states and the United States were afraid perhaps that the Ayatollah Khomeini at that time might bomb Mecca or try to spread his revolution throughout the Middle East and get control of the oil fields. So Saddam Hussein was promised access, better access from Iraq, which is landlocked, to a waterborne commerce through Kuwait, a slip of land, which

in the end he never did get and, ultimately, he invaded in order to get that access.

Then, of course, if we look back to the early 1990s, the United States went to war to defend the Iraqi-Kuwaiti border, but, in fact, the very monster that we helped to create at that point was trying to fulfill what he had been promised as a result of U.S. assistance all through that period, especially when the Reagan and Bush administration took office and then President Bush himself elected in 1988 and taking us into the Gulf War.

It is really important to remember and to ask ourselves the question, who encouraged Saddam Hussein? Who encouraged him to take on Iran? Who encouraged him to try to depose the Ayatollah, and who gave him the weapons and the credits to our Treasury Department to finance those initial actions inside of Iraq that created the monster that the President of the United States, the son of the first George Bush, talked about on the television tonight?

My colleagues might also think about the fact, who armed Osama bin Laden to fight inside Afghanistan against the then Soviet Army? Who did that? Who was President of the United States when that happened? George Bush, Senior, was President of the United States when that happened; and, of course, the Russians went to certain defeat in Afghanistan after a long period of time. Where did al Qaeda learn some of those fighting techniques? Who helped them do that? Where did they get those rifles?

So I just wanted to put that on the RECORD. I know there are other historians who will add to this, but I also wanted to read from a veteran who wrote an editorial to the New York Times last week Wednesday entitled, Fighting the First Gulf War. The last sentence, and I will end with this, reads, ''I watched the fallout from the burning oil wells coat my uniform and I knew that I was breathing into my lungs the crude oil I was fighting for.'' I ask America to think about it.

I will insert in the RECORD at this point the articles that I referred to earlier.

[From the New York Times, Oct. 2, 2002]

FIGHTING THE FIRST GULF WAR

(By Anthony Swofford)

PORTLAND, ORE.—In August 1990 my Marine infantry Battalion, deployed to Saudi Arabia to defend the country from invasion by the Iraqi army. Iraqi soldiers had invaded Kuwait during the early morning of Aug. 2. For more than a week afterward we sat atop our rucksacks on the parade field at the Marine base at Twenty Nine Palms, Calif., waiting for transportation to Riyadh. From where we sat, the world looked amazingly black and white, with little room or need for diplomacy or cowardice. We were excited to retaliate against Saddam Hussein, to enter combat.

When we finally arrived on the tarmac at Riyadh, everything looked and felt extremely hot, a mirage on high boil, the heat warping the terrain into a violent storm of sand and weaponry and thirst. We spent the next six months living and training in the Arabian Desert, in constant fear of the nerve gas our commanders had warned us Saddam Hussein would use. Even when I slept, the gas mask was there, a reminder of the horrors of sarin gas. To negate the effects of the sarin, we were ordered to take pyridostigmine bromide pills, now considered a possible cause of the mysterious gulf war syndrome. But worse than the pills was the constant ringing in our ears—''Gas! Gas! Gas!''—the warning call we practiced at all hours to don and clear our gas masks in less than 10 seconds. Under a gas attack we'd also have to wear Mopp suits, 10-pound charcoal-lined garments that were unwieldy and hot—and were only available in a jungle-camouflage pattern (not much help hiding in the desert).

On Jan. 16, 1991, the American-led coalition against Iraq started the bombing campaign that would, over about six weeks, devastate Iraq's military. Our colonel informed us that Operation Desert Shield had changed to Storm, that we were now at war. Two days later the Iraqis launched a few Scud missiles into Israel and Saudi Arabia. Despite the fact that my unit operated in the middle of the desert and that Iraq's air force had been destroyed, and with it most of Saddam Hussein's intelligence apparatus, we spent our evenings jumping in and out of fighting holes for Scud alerts that turned out to be false. During the air campaign we traveled around the desert in our Humvees much the way we had prior to the bombing—bored, tired, dehydrated, anxious and afraid of what the future might bring.

We wanted to live, even though the way we'd been living was unpleasant. We hadn't had proper showers in 10 or more weeks. My friend Troy insisted one morning that I pour a five-gallon water jug over his head while he scoured his body with Red Cross soap. The water and soap and filth poured off Troy and soaked the ground in a large damp circle, and for a moment, while standing in this circle, I thought that I'd somehow been made safe. I thought that with our little ring of water and Troy's simple desire to be clean, we'd created a gap between ourselves and the rest of the desert and the enemy lurking there, and that we could sink into the earth, into our small safe space. But in the distance I saw a Marine tank battalion roaring across the desert, and I knew again that safety had ended months before.

On Feb. 18, when my unit moved to the Saudi-Kuwaiti border, the ground war was imminent. Combat engineers had built a 15-foot-high earth berm between the two countries. On the other side of the berm, we were told, were Iraqi antipersonnel mines. My platoon dug fighting holes in a perimeter around the command post. Before we completed our task, the Iraqis attacked with artillery.

The incoming rounds were confusing, frightening and ineffective. Someone incorrectly called out, ''gas.'' Had the enemy's forward observer walked his rounds 100 yards north he would've scored a direct artillery hit on our command post. But he hadn't. At the border, while we awaited our orders to fight, helicopters outfitted with tape players and powerful speakers flew overhead and played 1960's rock music—Jimi Hendrix, The Doors, the Rolling Stones—all day, to harass the nearby enemy. As the music blasted, coalition propaganda pamphlets blew across our side of the border like useless, retired currency.

A few days later, we entered Kuwait and fought the Iraqi Army. The tankers experienced the most combat. At one point, another Marine task force mistook my task force for the enemy. Those devastating tank round passed over my head and I watched them explode. For a split second I imagined myself the victim of my own country's firepower. My team leader screamed into his radio handset to stop the friendly attack. One of my platoon mates, a burly Texan, folded himself into a ball and wept and cursed quietly. I knelt, stung by shock, a statue of fear. At least 35 of the 148 United States service members killed during the Persian Gulf war died at the hands of allied forces.

My six-man night patrol passed near enough to an Iraqi troop carrier to hear the troops speaking. We were outgunned, so we listened and didn't shoot. I urinated down my legs and into my boots. The next morning, in my wet boots and useless Mopp suit, I marched 20 miles north from the Saudi border. I put on and took off my gas mask dozens of times for false gas alerts. We marched past Marine artillery battalions busy sending their fierce rounds 10,000 yards north. The men screamed and clapped as each round left their powerful weapons.

From the ground, I witnessed the savage results of American air superiority: tanks and troop carriers turned upside down and ripped inside out; rotten, burned, half-buried bodies littering the desert like the detritus of years—not weeks—of combat. The tails of unexploded bombs, buried halfway or deeper in the earth, served as makeshift headstones and chilling reminders that at any moment, the whole place could blow.

On the last day of the war, from a sniper hid I observed a confused Marine infantry battalion attempt to overtake an airfield while smoke from burning oil wells hampered command and control. Across the radio frequency I heard medevac calls, after two Marines shot each other with rifles; on the other side of the airfield hundreds of Iraqi soldiers surrendered, their boots hanging around their necks, white towels and propaganda surrender pamphlets clutched in their hands like jewels. I watched the fallout from the burning oil wells coat my uniform, and I knew that I was breathing into my lungs the crude oil I was fighting for.

[From the New York Times, Oct. 7, 2002]

SHARON TELLS CABINET TO KEEP QUIET ON U.S. PLANS

(By James Bennet)

JERUSALEM, Oct. 6.—Israel's prime minister, Ariel Sharon, warned his cabinet ministers today not to talk about American plans for Iraq, urging them to overcome for the good of the possible war effort what often seems a national compulsion to share one's insights as widely as possible.

Prodded by the Bush administration, Mr. Sharon concluded that it was time to address what one senior Israeli official today called ''the blabbering thing that occurs here.''

Given the rollicking tumult of Israeli politics, it is not uncommon to see leaks in the news media about official anger over leaks, or to read an inside account of one high official dressing down another for talking too much to reporters. The Israeli media have been awash recently with officials' views on Iraq.

The Israeli media have also been reporting that the Bush administration is furious about the chatter.

''Everybody wants to voice his opinion on any lively subject,'' the senior Israeli official said. ''This is healthy. But there are times when you need to be responsible, to take responsibility, and to shut up.''

Late last week, Defense Minister Benjamin Ben-Eliezer, who in the past has shared too much for the Bush administration's taste, ventured that the Americans would attack Iraq at the end of November. His comment

captured banner head-lines, even though his hasty clarification said that he was merely voicing a ''personal assessment'' and that he meant the attack would begin at the end of November or later.

Mr. Sharon is planning to go to Washington this month, at President Bush's invitation, to discuss Iraq and the Israeli-Palestinian conflict.

After today's cabinet meeting, the official public summary reported tersely, ''Prime Minister Sharon requested that ministers cease making remarks about Iraq.''

Even as Mr. Bush has sought in recent days to play up the imminence and potency of the Iraqi threat, some of Israel's top security officials have played both down.

Lt. Gen. Moshe Yaalon, Israel's chief of staff, was quoted in the newspaper Maariv today as telling a trade group in a speech over the weekend, ''I'm not losing any sleep over the Iraqi threat.'' The reason, he said, was that the military strength of Israel and Iraq had diverged to so sharply in the last decade.

Israel's chief of military intelligence, Maj. Gen. Aharon Farkash, disputed contentions that Iraq was 18 months away from nuclear capability. In an interview on Saturday with Israeli television, he said army intelligence had concluded that Iraq's time frame was more like four years, and he said Iran's nuclear threat was as great as Iraq's.

General Farkash also said Iraq had grown militarily weaker since the Persian Gulf war in 1991 and had not deployed any missiles that could strike Israel.

The torrent of newspaper articles continued today with Yediot Ahronot elaborating on reports in the United States about the details of American-Israeli plans for coordination in the event of war. It said that Mr. Bush would give Mr. Sharon 72 hours notice and that the two nations had agreed on targets in Iraq. It also mentioned previously published reports that the Americans would offer Israel a satellite to provide early warning of Iraqi missile strikes and that spare parts and other American equipment would be stored in Israel.

The Bush administration wants to dissuade Israel from responding should Iraq attack it after an American invasion, fearing that Israeli action would rally Arab support for the Iraqi leader, Saddam Hussein.

[From the New York Times, Oct. 7, 2002]

A HIDDEN COST OF WAR ON IRAQ

(By Shibley Telhami)

WASHINGTON.—One of the most appealing thoughts about a possible war with Iraq is that it could help spread democracy, transforming a rotten political order in the Middle East. But more likely, such a war would render the Middle East more repressive and unstable than it is today. Democracy cannot be imposed through military force, even if force is used successfully to oust antidemocratic dictators. And our vital aims in fighting terrorism, securing oil supplies and protecting the lives of American soldiers will, in the context of the Middle East, almost certainly ensure that the spread of democracy will again take a back seat to our national priorities.

Aside from the significant challenges in Iraq itself, the picture in the rest of the region will be troubling. Regardless of our real objectives, most Arabs and Muslims will see in the war American imperialism. Governments in the region may support the war for fear of being on the losing side, or may simply stay neutral. Because support goes against the over-whelming sentiment of their citizenry, they will likely endorse our course through political repression. If King Abdullah of Jordan, like other rulers in the Middle East, has to face a choice between supporting the war while repressing his people and yielding to Jordanian public opinion by opposing our effort, it's clear what our preference will be. For that we need not dig deep into history; our commitment to fighting al Qaeda has understandably defined our current relationship with Pakistan in a way that has caused us to put aside democratic values in order to achieve a more vital goal. These values will likely be sacrificed in our relationship with other nations in the Middle East, even with the best of intentions.

At the same time, we would not be comfortable if democratic change in the region results in the victory of radical Islamist groups, as happened in Algeria a decade ago. Nor is it likely that we would be willing to accept democratically elected militant Islamist groups to run the Saudi government and control the world's largest oil reserves as well as the pulpit of Mecca.

The political order in the Middle East is bankrupt today, and if stability means the continuation of the status quo, that would not be appealing. Change is necessary for the good of the people of the Middle East and for the good of the world. But not any change, and not through any means. The use of military force may be necessary for other reasons, but it is more likely to stifle than to nurture democracy movements in authoritarian Arab states.

America's political success has undoubtedly been bolstered by its superior military power. But our military power itself is a product of a successful economic and political system. Those around the world who sought change of their political and economic systems did so in large part on their own—and in many cases with America's political and economic success as a model. Those who want to achieve that success will have to emulate the model. And those who don't will likely fail.

Powerful ideas are willingly accepted because they inspire, not threaten. Even those who are reluctant to embrace democracy, like the leaders in Beijing, have understood the need to emulate much of America's economic approach lest they be left further behind. And in embracing a new economic approach, they have also unleashed a political process they will not be able fully to control.

Ultimately, America's role is to assist in the spread of democracy and, above all, to inspire. Wars may simultaneously open up new opportunities for change, as in Afghanistan, and close others, as in Pakistan. But democracy cannot be dictated through war, especially when war is opposed by people of the region. The thought that, because America has unequaled power, we know what is best for others—even better than they do themselves—would not be comforting to most Americans. Certainly, such a notion is not compatible with the very ideal of democracy we seek to spread.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON of Indiana (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. KANJORSKI (at the request of Mr. GEPHARDT) for today on account of official business in the district.

Ms. SOLIS (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today and the balance of the week on account of activities in the district office.

Mr. BILIRAKIS (at the request of Mr. ARMEY) for today and October 8 until 7:00 p.m. on account of attending a funeral.

Mr. FOLEY (at the request of Mr. ARMEY) for today on account of official business.

Mr. LEWIS of California (at the request of Mr. ARMEY) for today and October 8 on account of a death in his family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. MCNULTY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. WELLER) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, October 8, 9, 10, and 11.

Mr. OSBORNE, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1210. An act to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996; to the Committee on Financial Services.

S. 1806. An act to amend the Public Health Service Act with respect to health professions programs regarding the practice of pharmacy, to the Committee on Energy and Commerce.

S. 2064. An act to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes; to the Committee on Education and the Workforce; in addition to the Committee on Resources for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker.

H.R. 3214. An act to amend the charter of the AMVETS organization.

H.R. 3838. An act to amend the charter of the Veterans of Foreign Wars of the United States organization to make members of the armed forces who receive special pay for duty subject to hostile fire or imminent danger eligible for membership in the organization, and for other purposes.

H.J. Res. 112. Joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on October 7, 2002 he presented to the President of the United States, for his approval, the following bills.

H.R. 3214. To amend the charter of the AMVETS organizations.

H.R. 3838. To amend the charter of the Veterans of Foreign Wars of the United States organization to make members of the armed forces who receive special pay for duty subject to hostile fire or imminent danger eligible for membership in the organization, etc.

Jeff Trandahl, Clerk of the House reports that on October 3, 2002 he presented to the President of the United States, for his approval, the following bill.

H.J. Res. 112. Making further continuing appropriations for the fiscal year 2003, and for other purposes.

ADJOURNMENT

Ms. KAPTUR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 23 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, October 8, 2002, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9510. A letter from the Chairman, Board of Governors Federal Reserve System, transmitting the Board's report on the Availability of Credit to Small Businesses, pursuant to 12 U.S.C. 252; to the Committee on Financial Services.

9511. A letter from the Trial Attorney, NHTSA, Department of Transportation, transmitting the Department's final rule—Schedule of Fees Authorized by 49 U.S.C. 30141 [Docket No. NHTSA 2002–12939; Notice 2] (RIN: 2127–AI77) received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9512. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Table of Allotments, Digital Television Broadcast Stations (Amarillo, Texas) [MB Docket No. 02–96; RM–10410] received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9513. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Table of Allotments; Digital Television Broadcast Stations (Sacramento, California) [MB Docket No. 02–93; RM–10414] received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9514. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Table of Allotments, Digital Television Broadcast Stations (Victoria, Texas) [MM Docket No. 01–161; RM–10181] received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9515. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Table of Allotments, Digital Television Broadcast Stations (Wrens, Savannah, Waycross, Dawson, and Pelham, Georgia) [MB Docket No. 02–104; RM–10390] received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9516. A letter from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Table of Allotments, Digital Television Broadcast Stations (Lynchburg, Virginia) [MB Docket No. 02–75; RM–10151] received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9517. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Table of Allotments, FM Broadcast Stations (Camp Wood, Texas) [MM Docket No. 01–307; RM–10307] received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9518. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—FM Table of Allotments, FM Broadcast Stations (Beverly Hills and Spring Hill, Florida) [MM Docket No. 02–25; RM-10361] received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9519. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Table of Allotments, FM Broadcast Stations (Alva, Mooreland, Tishomingo, Tuttle and Woodward, Oklahoma) [MM Docket No. 98–155; RM–9082 and RM–9133] received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9520. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Table of Allotments, FM Broadcast Stations (Winslow, Camp Verde, Mayer and Sun City West, Arizona) [MM Docket No. 99–246; RM–9593 and RM–9770) received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9521. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Table of allotments, Digital Television Broadcast Stations (Ontario, California) [MM Docket No. 01–23; RM–9960] received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9522. A letter from the Senior Legal Advisor to the Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Table of Allotments, FM Broadcast Stations (Bethel Springs, Martin, Tiptonville, Trenton, and South Fulton, Tennessee) [MM Docket No. 99–196; RM–9619 and RM–9874] received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9523. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Table of Allotments, FM Broadcast Stations (Paragould, Arkansas) [MM Docket No. 01–297; RM–10297] received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9524. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Table of Allotments, FM Broadcast Stations (Rocksprings, Texas) [MM Docket No. 01–279; RM–10290] received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9525. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Table of Allotments, FM Broadcast Stations (Benjamin, Texas) [MM Docket No. 01-280; RM–10291] received October 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9526. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 29–02 which informs of an intent to sign Amendment One to the Memorandum of Understanding between the United States, Germany and Italy concerning the AGM–88 High Speed Anti-Radiation Missile (HARM), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9527. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 30–02 which informs of an intent to sign a Memorandum of Understanding between the United States, Italy and the United Kingdom concerning Cooperative Projects for the C–130J, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9528. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 29–02 which informs of an intent to sign a Project Arrangement between the United States and the United Kingdom concerning the Radar Frequency Interferometer (RFI) User Data Module (UDM) for the Apache Longbow helicopter, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

9529. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

9530. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Determination of Critical Habitat for Thlaspi californicum (Kneeland Prairie Penny-cress) (RIN: 1018–AG92) received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9531. A letter from the Assistant Secretary for Fish and Wildlife & Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Appalachian Elktoe (RIN: 1018–AH33) received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9532. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Holocarpha macradenia (Santa Cruz Tarplant) (RIN: 1018–AG73) received October 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9533. A letter from the Attorney, RSPA, Department of Transportation, transmitting the Department's final rule—Hazardous Materials; Requirements for Maintenance, Requalification, Repair and Use of DOT Specification Cylinders; Extension of Compliance Dates and Corrections [Docket No. RSPA–01–10373 (HM–220D)] (RIN: 2137–AD58) received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9534. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Revision of Delegation of Authority Regulations [STB Ex Parte No. 588] received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9535. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Removal of Joint Rate Cancellation Regulations [STB EX Parte No. 639] received October 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9536. A letter from the National Taxpayer Advocate, Internal Revenue Service, transmitting a report entitled, ''National Taxpayer Advocate's 2003 Objectives,'' pursuant to 26 U.S.C. 6103 nt. Public Law 105—206 section 3802; to the Committee on Ways and Means.

9537. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's two reports entitled, ''Lessons Learned in the Aftermath of September 11, 2001'' and ''Challenges Faced During the Environmental Protection Agency's Response to Anthrax and Recommendations for Enhancing Response Capabilities: A Lessons Learned Report''; jointly to the Committees on Energy and Commerce and Transportation and Infrastructure.

9538. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, ''Research, Development, and Technology Plan''; jointly to the Committees on Transportation and Infrastructure and Science.

9539. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled, ''Clean Coal Technology Demonstration Program: Program Update 2001''; jointly to the Committees on Appropriations, Science, and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OXLEY: Committee on Financial Services. Supplemental report on H.R. 5400. A bill to authorize the President of the United States to agree to certain amendments to the Agreement between the Government of the United States of America and the Government of the United Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank, and for other purposes (Rept. 107–720 Pt. 2).

Mr. HYDE: Committee on International Relations. H.J. Res. 114. A resolution to authorize the use of United States Armed Forces against Iraq; with amendments (Rept. 107–721). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS of Kentucky. Committee on Appropriations. H.R. 5559. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2003, and for other purposes (Rept. 107–722). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 5422. A bill to prevent child abduction, and for other purposes; (Rept. 107–723 Pt. 1). Ordered to be printed.

Mr. DREIER: Committee on Rules. H. Res. 574. Resolution providing for the consideration of the joint resolution (H.J. Res. 114) to authorize the use of United States Armed Forces against Iraq (Rept. 107–724). Referred to the House Calendar.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 4701. A bill to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission; with an amendment (Rept. 107–725). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 5504. A bill to provide for the improvement of the safety of child restraints in passenger motor vehicles, and for other purposes; with an amendment (Rept. 107–726). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 2037. A bill to amend the Act establishing the Department of Commerce to protect manufacturers and sellers in the firearms and ammunition industry from restrictions on interstate or foreign commerce; with an amendment (Rept. 107–727 Pt. 1). Ordered to be printed.

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 3580. A bill to amend the Federal Food, Drug, and Cosmetic Act to make improvements in the regulation of medical devices, and for other purposes; with an amendment (Rept. 107–728). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

[The following action occurred on October 4, 2002]

Pursuant to clause 2 of rule XII the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 2301 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on Transportation and Infrastructure discharged from further consideration of H.R. 3929.

TIME LIMITATION OF REFERRED BILL

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

[The following action occurred on October 4, 2002]

H.R. 3929. Referral to the Committee on Energy and Commerce extended for a period ending not later than October 11, 2002.

H.R. 4889. Referral to the Committee on Energy and Commerce extended for a period ending not later than October 11, 2002.

[Submitted October 7, 2002]

H.R. 2037. Referral to the Committee on the Judiciary extended for a period ending not later than October 8, 2002.

H.R. 5422. Referral to the Committees on Transportation and Infrastructure, Armed Services, and Education and the Workforce extended for a period ending not later than October 8, 2002.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FOLEY (for himself, Mr. LAMPSON, Mr. CALVERT, and Mr. CRAMER):

H.R. 5556. A bill to amend the National Child Protection Act of 1993, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMAS:

H.R. 5557. A bill to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and Foreign Service in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services, and for other purposes; to the Committee on Ways and Means.

By Mr. THOMAS:

H.R. 5558. A bill to amend the Internal Revenue Code of 1986 to accelerate the increases in contribution limits to retirement plans and to increase the required beginning date for distributions from qualified plans; to the Committee on Ways and Means.

By Mr. ROGERS of Kentucky:

H.R. 5559. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2003, and for other purposes.

By Mr. MCHUGH (for himself, Mr. DAVIS of Illinois, and Mr. BURTON of Indiana):

H.R. 5560. A bill to amend certain provisions of title 39, United States Code, relating to transportation of mail; to the Committee on Government Reform.

By Mr. MOORE (for himself and Mr. YOUNG of Alaska):

H.R. 5561. A bill to provide for and approve settlement of certain land claims of the Wyandotte Nation, and for other purposes; to the Committee on Resources.

By Mr. STUPAK (for himself and Mr. CAMP):

H.R. 5562. A bill to provide for expansion of Sleeping Bear Dunes National Lakeshore; to the Committee on Resources.

By Mr. SWEENEY:

H.R. 5563. A bill to reinstate and transfer a hydroelectric license under the Federal Power Act to permit the immediate redevelopment of a hydroelectric project located in the State of New York, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SWEENEY (for himself and Mr. OSBORNE):

H.R. 5564. A bill to amend the Controlled Substances Act with respect to the placing of certain substances on the schedules of controlled substances, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California (for himself, Mr. RADANOVICH, and Mr. OWENS):

H.R. 5565. A bill to amend the Social Security Act with respect to the employment of persons with criminal backgrounds by long-term care providers; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WATTS of Oklahoma (for himself, Mr. HAYES, Mr. GOODE, Mr. ISTOOK, Mr. ENGEL, Mrs. LOWEY, and Mr. SNYDER):

H.R. 5566. A bill to amend the Internal Revenue Code of 1986 to provide for additional designations of renewal communities and to allow nonrecognition of gain on sales of real property if the proceeds are invested in renewal and similar community businesses; to the Committee on Ways and Means.

By Mr. WATTS of Oklahoma:

H.R. 5567. A bill to amend the Internal Revenue Code to modify eligibility criteria for

certain empowerment zone designations; to the Committee on Ways and Means.

By Mr. WELDON of Florida:

H.R. 5568. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits and to increase the age at which distributions must commence from certain retirement plans from 70 1/2 to 80; to the Committee on Ways and Means.

By Mr. COX:

H.J. Res. 116. A joint resolution to recognize the rights of consumers to use copyright protected works, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROEMER (for himself and Mr. DELAHUNT):

H.J. Res. 117. A joint resolution approving the location of the commemorative work in the District of Columbia honoring former President John Adams; to the Committee on Resources.

By Mr. UDALL of Colorado:

H.J. Res. 118. A joint resolution to provide preliminary authorization for the use of force against Iraq; to the Committee on International Relations.

By Mr. GRAVES:

H. Con. Res. 500. Concurrent resolution expressing the sense of Congress that the Pacific Maritime Association and the International Longshore and Warehouse Union should enter into mediation to resolve the ongoing west coast port shutdown and that other options should be taken if these negotiations fail; to the Committee on Education and the Workforce.

By Mrs. BIGGERT (for herself, Ms. MILLENDER-MCDONALD, Mr. VITTER, and Ms. ROYBAL-ALLARD):

H. Con. Res. 501. Concurrent resolution expressing the sense of Congress that Congress should raise awareness of domestic violence in the Nation by supporting the goals and ideals of National Domestic Violence Awareness Month; to the Committee on Government Reform.

By Mr. VITTER:

H. Con. Res. 502. Concurrent resolution expressing the sense of the Congress in support of Breast Cancer Awareness Month, and for other purposes; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 244: Mr. HOLDEN.

H.R. 267: Mr. HANSEN and Mr. MALONEY of Connecticut.

H.R. 488: Mr. JEFFERSON, Mr. CLEMENT, and Mrs. CLAYTON.

H.R. 1036: Mr. BOSWELL.

H.R. 1294: Mr. KENNEDY of Rhode Island

H.R. 1509: Ms. MILLENDER-MCDONALD.

H.R. 1703: Mr. BOSWELL.

H.R. 1786: Mr. SOUDER and Mr. LOBIONDO.

H.R. 2063: Mr. ROTHMAN, MS. ROS-LEHTINEN, and Mr. UDALL of Colorado.

H.R. 2118: Mr. ENGLISH.

H.R. 2290: Mr. GREENWOOD.

H.R. 2322: Mr. SIMPSON,

H.R. 2363: Mrs. MORELLA.

H.R. 2573: Mr. LEVIN and Mr. CLEMENT.

H.R. 2578: Ms. NORTON.

H.R. 2638: Mr. STENHOLM, Mr. BLUMENAUER, Mr. LOBIONDO, and Mr. WELDON of Pennsylvania.

H.R. 3105: Mr. PAUL.

H.R. 3193: Mr. BEREUTER.

H.R. 3388: Mr. ISRAEL and Mr. SANDLIN.

H.R. 3612: Mr. FOLEY.

H.R. 3710: Mr. ISAKSON.

H.R. 3781: Mr. BORSKI, Mr. DEAL of Georgia, Mr. LIPINSKI, and Ms. NORTON.

H.R. 3794: Mrs. CAPITO, Mr. WILSON of South Carolina, and Mr. SOUDER.

H.R. 3807: Mr. GUTIERREZ.

H.R. 3834: Mr. BENTSEN.

H.R. 3884: Ms. MCCOLLUM and Mr. MCNULTY.

H.R. 4032: Mrs. MALONEY of New York and Mr. BAIRD.

H.R. 4033: Ms. WOOLSEY.

H.R. 4113: Mr. MORAN of Virginia and Mrs. DAVIS of California.

H.R. 4152: Mr. WATTS of Oklahoma, Ms. NORTON, and Ms. WATSON.

H.R. 4646: Mr. EHRLICH and Mr. REGULA.

H.R. 4667: Mr. SOUDER.

H.R. 4720: Mrs. JO ANN DAVIS of Virginia.

H.R. 4799: Ms. BALDWIN, Ms. ROYBAL-ALLARD, and Mrs. NAPOLITANO.

H.R. 4837: Mr. CUNNINGHAM.

H.R. 4916: Mrs. MALONEY of New York, Mr. GONZALEZ, and Mr. RANGEL.

H.R. 4963: Mr. GILLMOR.

H.R. 4974: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. HOOLEY of Oregon, Mr. HORN, and Mr. ISAKSON.

H.R. 5037: Ms. DELAURO.

H.R. 5040: Mr. OLVER, Mr. MCGOVERN, Mr. LUTHER, and Mr. LEVIN.

H.R. 5060: Ms. ESHOO and Mr. TIAHRT.

H.R. 5146: Mr. SMITH of New Jersey and Mr. LOBIONDO.

H.R. 5166: Mr. MCCRERY.

H.R. 5174: Mr. HEFLEY.

H.R. 5250: Mr. GRUCCI, Mr. BONIOR, Mr. GEKAS, Mr. BURTON of Indiana, Mr. PAYNE, Mr. GILLMOR, Mr. WILSON of South Carolina, Ms. ROS-LEHTINEN, Mr. OBERSTAR, Mr. TOM DAVIS of Virginia, Mr. QUINN, Mr. CLYBURN, Mr. SOUDER, Mr. ISRAEL, Mr. SCHROCK, and Mr. NEY.

H.R. 5270: Mr. DAVIS of Florida, Mr. INSLEE, Mr. BORSKI, Ms. PELOSI, Mr. SCHIFF, Mr. NEAL of Massachusetts, Mr. COYNE, Mr. MEEHAN, Mr. NADLER, Ms. ROYBAL-ALLARD, Mr. ROGERS of Michigan, Mr. UDALL of Colorado, Mr. LATHAM, Mr. KENNEDY of Rhode Island, Ms. PRYCE of Ohio, Mr. BENTSEN, and Mr. PALLONE.

H.R. 5309: Mr. BROWN of South Carolina.

H.R. 5316: Mr. SKEEN.

H.R. 5326: Mr. KLECZKA and Ms. MILLENDER-MCDONALD.

H.R. 5331: Mr. SCHAFFER, Mr. HOEKSTRA, Mr. SOUDER, Mr. DEMINT, Mr. TANCREDO, Mr. SAM JOHNSON of Texas, Mr. GREEN of Wisconsin, Mr. RAMSTAD, Mr. PICKERING, Mr. HILLEARY, Mr. SHIMKUS, and Mr. BARR of Georgia.

H.R. 5334: Ms. KILPATRICK, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. SANDLIN.

H.R. 5376: Mr. PUTNAM and Mr. SHADEGG.

H.R. 5402: Ms. KAPTUR.

H.R. 5409: Mr. BACA.

H.R. 5414: Mr. CUNNINGHAM and Mr. BACHUS.

H.R. 5437: Ms. NORTON and Mr. LIPINSKI.

H.R. 5441: Mr. WYNN and Mr. DEUTSCH.

H.R. 5445: Ms. HOOLEY of Oregon.

H.R. 5449: Mr. FILNER.

H.R. 5457: Mrs. WILSON of New Mexico.

H.R. 5466: Mr. ENGLISH.

H.R. 5491: Mr. WEINER, Mr. LYNCH, Mr. ISRAEL, Mr. PALLONE, Mr. BISHOP, Mr. BERMAN, and Mr. DEFAZIO.

H.R. 5492: Ms. ROYBAL-ALLARD, Ms. NORTON, Mr. CROWLEY, Ms. MILLENDER-MCDONALD, Mr. LIPINSKI, and Mr. BUSH.

H.R. 5493: Mr. MCGOVERN.

H.R. 5497: Mr. MORAN of Virginia.

H.R. 5528: Mr. HYDE, Mr. LANTOS, Mr. SMITH of New Jersey, Mr. WOLF, Mr. HOUGHTON, Mr. KING, Mr. ACKERMAN, Ms. ROS-LEHTINEN, Mr. BURTON of Indiana, Mr. BERMAN, Mr. DELAHUNT, Mr. MENEDEZ, Mrs. JO ANN DAVIS of Virginia, Mr. BEREUTER, Mrs. NAPOLITANO, Mr. WEXLER, Mr. ISSA, Mr. CANTOR, Mr. BALLENGER, Mr. SCHIFF, Mr. TANCREDO, Mr. GREEN of Wisconsin, Mr. KERNS, and Mr. CHABOT.

H.R. 5531: Mr. ARMEY, Mr. LANTOS, Mr. SMITH of New Jersey, Mr. PENCE, Mr. WOLF, Ms. ROS-LEHTINEN, Ms. LEE, Mr. FATTAH, and Mr. CAMP.

H.R. 5533: Mr. SOUDER.

H.R. 5553: Mr. RAMSTAD and Mr. SHAW.

H.J. Res. 113: Mrs. ROUKEMA, Mrs. MEEK of Florida, Mr. SERRANO, Mr. MARKEY, Ms. MILLENDER-MCDONALD, Mr. WATT of North Carolina, and Mr. HASTINGS of Florida.

H. Con. Res. 197: Mr. JENKINS and Mr. FORBES.

H. Con. Res. 351: Ms. MCKINNEY, Ms. PELOSI, Mr. RAHALL, Mr. LATOURETTE, Mr. CONYERS, Mr. HINCHEY, Mr. WELDON of Pennsylvania, Mr. CARDIN, Mr. PLATTS, Mr. PENCE, Mr. LUTHER, and Mr. ENGEL.

H. Con. Res. 367: Mr. TIBERI, Mr. BARCIA, and Mr. WAMP.

H. Con. Res. 406: Mr. SOUDER.

H. Con. Res. 447: Mr. LYNCH, Mr. HINCHEY, Mr. COYNE, Mr. SMITH of Washington, Mr. ENGEL, Mr. WOLF, Mr. MCNULTY, Mr. WYNN, Mr. LIPINSKI, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. JOHNSON of Illinois, Mr. BARR of Georgia, Mr. PALLONE, Mrs. MALONEY of New York, Mr. MCGOVERN, and Mr. ABERCROMBIE.

H. Con. Res. 459: Mr. WAXMAN.

H. Con. Res. 473: Mr. DELAHUNT.

H. Con. Res. 486: Mr. POMEROY, Mr. NORWOOD, Mr. SMITH of Washington, and Mr. INSLEE.

H. Res. 106: Ms. WATSON, Mr. BARRETT, Mr. MASCARA, and Ms. BERKLEY.

H. Res. 253: Mr. COX, Mr. WAXMAN, and Mr. CRAMER.

H. Res. 560: Mr. ROGERS of Michigan.

H. Res. 564: Mr. GUTIERREZ, and Mr. KLECZKA.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148 WASHINGTON, MONDAY, OCTOBER 7, 2002 No. 130

Senate

The Senate met at 11:59 a.m. and was called to order by the Honorable ERNEST F. HOLLINGS, a Senator from the State of South Carolina.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, strength for those who seek You, hope for those who trust You, courage for those who rely on You, peace for those who follow You, wisdom for those who humble themselves before You, and power for those who seek to glorify You, we begin this new week filled with awesome responsibilities and soul-sized issues and confess our need for You. We are irresistibly drawn into Your presence by the magnetism of Your love and by the magnitude of challenges we face. Our desire to know Your will is motivated by Your greater desire to help us. We thank You for the women and men of this Senate. Bless them as they debate the resolution on war with Iraq. Help them maintain a spirit of unity as they press on with honest, open discussion and come to a conclusion which is best for our Nation and the world. You are our Lord and Saviour. Amen

PLEDGE OF ALLEGIANCE

The Honorable ERNEST F. HOLLINGS led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 7, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ERNEST F. HOLLINGS, a Senator from the State of South Carolina, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. HOLLINGS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada, the acting majority leader, is recognized.

SCHEDULE

Mr. REID. Mr. President, under the order that is now before the Senate, the Chair will shortly announce morning business for half an hour on both sides, with the Democrats controlling the first half.

ORDER OF PROCEDURE

As a courtesy to the Senator from Pennsylvania, Mr. SPECTER, we are going to extend the morning business on both sides for an extra 15 minutes, so it will be 45 minutes on both sides, with the first 15 minutes of time of the majority under the control of Senator KENNEDY, and the second half hour under the control of Senator WYDEN. At approximately 12:50, or whenever the minority begins their morning business time, the Senator from Pennsylvania, Mr. SPECTER, will be recognized for the first half hour, and I ask unanimous consent for this time agreement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I further say in light of this agreement, morning business will extend until approximately 1:45, at which time the Senate will resume consideration of S.J. Res. 45, with the time until 4 p.m. equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 15 minutes each.

I hope Senators will recognize they do not have the rest of this month to speak on Iraq. The time is now for Senators to do that. We ask they do so as quickly as possible, and limit their speeches to 15 minutes.

Mr. SPECTER. May I seek a point of clarification. This Senator has 30 minutes starting at 12:50?

Mr. REID. Approximately 12:50.

The majority leader asked me to announce there will be no votes today.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

IRAQ

Mr. KENNEDY. Mr. President, we face no more serious decision in our democracy than whether or not to go to war. The American people deserve to fully understand all of the implications of such a decision.

The question of whether our Nation should attack Iraq is playing out in the context of a more fundamental debate that is only just beginning—an all-important debate about how, when and where in the years ahead our country will use its unsurpassed military might.

On September 20, the administration unveiled its new National Security Strategy. This document addresses the new realities of our age, particularly the proliferation of weapons of mass destruction and terrorist networks armed with the agendas of fanatics. The Strategy claims that these new threats are so novel and so dangerous that we should ''not hesitate to act

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

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alone, if necessary, to exercise our right of self-defense by acting pre-emptively.''

In the discussion over the past few months about Iraq, the administration, often uses the terms ''pre-emptive'' and ''preventive'' interchangeably. In the realm of international relations, these two terms have long had very different meanings.

Traditionally, ''pre-emptive'' action refers to times when states react to an imminent threat of attack. For example, when Egyptian and Syrian forces mobilized on Israel's borders in 1967, the threat was obvious and immediate, and Israel felt justified in pre-emptively attacking those forces. The global community is generally tolerant of such actions, since no nation should have to suffer a certain first strike before it has the legitimacy to respond.

By contrast, ''preventive'' military action refers to strikes that target a country before it has developed a capability that could someday become threatening. Preventive attacks have generally been condemned. For example, the 1941 sneak attack on Pearl Harbor was regarded as a preventive strike by Japan, because the Japanese were seeking to block a planned military buildup by the United States in the Pacific.

The coldly premeditated nature of preventive attacks and preventive wars makes them anathema to well-established international principles against aggression. Pearl Harbor has been rightfully recorded in history as an act of dishonorable treachery.

Historically, the United States has condemned the idea of preventive war, because it violates basic international rules against aggression. But at times in our history, preventive war has been seriously advocated as a policy option.

In the early days of the cold war, some U.S. military and civilian experts advocated a preventive war against the Soviet Union. They proposed a devastating first strike to prevent the Soviet Union from developing a threatening nuclear capability. At the time, they said the uniquely destructive power of nuclear weapons required us to rethink traditional international rules.

The first round of that debate ended in 1950, when President Truman ruled out a preventive strike, stating that such actions were not consistent with our American tradition. He said, ''You don't 'prevent' anything by war . . . except peace.'' Instead of a surprise first strike, the nation dedicated itself to the strategy of deterrence and containment, which successfully kept the peace during the long and frequently difficult years of the Cold War.

Arguments for preventive war resurfaced again when the Eisenhower administration took power in 1953, but President Eisenhower and Secretary of State John Foster Dulles soon decided firmly against it. President Eisenhower emphasized that even if we were to win such a war, we would face the vast burdens of occupation and reconstruction that would come with it.

The argument that the United States should take preventive military action, in the absence of an imminent attack, resurfaced in 1962, when we learned that the Soviet Union would soon have the ability to launch missiles from Cuba against our country. Many military officers urged President Kennedy to approve a preventive attack to destroy this capability before it became operational. Robert Kennedy, like Harry Truman, felt that this kind of first strike was not consistent with American values. He said that a proposed surprise first strike against Cuba would be a ''Pearl Harbor in reverse.''

For 175 years, [he said] we have not been that kind of country.

That view prevailed. A middle ground was found and peace was preserved.

Yet another round of debate followed the Cuban Missile Crisis when American strategists and voices in and out of the administration advocated preventive war against China to forestall its acquisition of nuclear weapons. Many arguments heard today about Iraq were made then about the Chinese communist government: that its leadership was irrational and that it was therefore undeterrable. And once again, those arguments were rejected.

As these earlier cases show, American strategic thinkers have long debated the relative merits of preventive and pre-emptive war. Although nobody would deny our right to pre-emptively block an imminent attack on our territory, there is disagreement about our right to preventively engage in war.

In each of these cases a way was found to deter other nations, without waging war.

Now, the Bush Administration says we must take pre-emptive action against Iraq. But what the Administration is really calling for is preventive war, which flies in the face of international rules of acceptable behavior.

There is no doubt that Saddam Hussein is a despicable dictator and that he must be disarmed. But the Administration has not made a persuasive case that the threat is so imminent that we should risk going it alone. We should resort to war only as a last resort. If we work through the United Nations for free, unfettered inspections, we strengthen our hand with our allies, our hand against Saddam Hussein and our ability to disarm him.

The Administration's new National Security Strategy states ''As a matter of common sense and self-defense, America will act against such emerging threats before they are fully formed.''

The circumstances of today's world require us to rethink this concept. The world changed on September 11, and all of us have learned that it can be a drastically more dangerous place. The Bush administration's new National Security Strategy asserts that global realities now legitimize preventive war and make it a strategic necessity.

The document openly contemplates preventive attacks against groups or states, even absent the threat of imminent attack. It legitimizes this kind of first strike option, and it elevates it to the status of a core security doctrine. Disregarding norms of international behavior, the Bush strategy asserts that the United States should be exempt from the rules we expect other nations to obey.

I strongly oppose any such extreme doctrine and I'm sure that many others do as well. Earlier generations of Americans rejected preventive war on the grounds of both morality and practicality, and our generation must do so as well. We can deal with Iraq without resorting to this extreme.

It is impossible to justify any such double standard under international law. Might does not make right. America cannot write its own rules for the modern world. To attempt to do so would be unilateralism run amok. It would antagonize our closest allies, whose support we need to fight terrorism, prevent global warming, and deal with many other dangers that affect all nations and require international cooperation. It would deprive America of the moral legitimacy necessary to promote our values abroad. And it would give other nations—from Russia to India to Pakistan—an excuse to violate fundamental principles of civilized international behavior.

The administration's doctrine is a call for 21st century American imperialism that no other nation can or should accept. It is the antithesis of all that America has worked so hard to achieve in international relations since the end of World War II.

This is not just an academic debate. There are important real world consequences. A shift in our policy toward preventive war would reinforce the perception of America as a ''bully' in the Middle East and would fuel anti-American sentiment throughout the Islamic world and beyond.

It would also send a signal to governments the world over that the rules of aggression have changed for them too, which could increase the risk of conflict between countries such as Russia and Georgia, India and Pakistan, and China and Taiwan.

Obviously, this debate is only just beginning on the administration's new strategy for national security. But the debate is solidly grounded in American values and history.

It will also be a debate among vast numbers of well-meaning Americans who have honest differences of opinion about the best way to use United States military might. The debate will be contentious, but the stakes, in terms of both our national security and our allegiance to our core beliefs, are too high to ignore.

I look forward to working closely with my colleagues in Congress to develop an effective, principled policy that will enable us to protect our national security, and respect the basic

principles that are essential for the world to be at peace.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

(The remarks of Mr. WYDEN and Mr. HATCH pertaining to the introduction of S. 3063 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I have sought recognition, as noted, to discuss the pending resolution. At the outset, I commend the President for coming to Congress. Originally the position had been articulated by the White House that congressional authority was not necessary. The President, as Commander in Chief, has the authority under the Constitution to act in cases of emergency. But if there is time for discussion, deliberation, and debate, then in my view it is a matter for the Congress.

Senator HARKIN and I introduced a resolution on July 18 of this year calling for the President to come to Congress before using military force.

When the President made his State of the Union speech and identified the axis of evil as Iran, Iraq, and North Korea, followed by the testimony of Secretary of State Powell that there was no intention to go to war against either North Korea or Iran, it left the obvious inference that war might be in the offing as to Iraq.

I spoke extensively on the subject back on February 13, 2002, raising a number of issues: What was the extent of Saddam Hussein's control over weapons of mass destruction? What would it cost by way of casualties to topple Saddam Hussein? What would be the consequence in Iraq? Who would govern after Saddam was toppled? What would happen in the region, the impact on the Arab world, and the impact on Israel? I believe it is vastly preferable on our resolution to focus on the question of weapons of mass destruction as opposed to the issue of regime change. When we talk about regime change, there is a sense in many other nations that the United States is seeking to exert its will on another sovereign nation. Much as Saddam Hussein deserves to be toppled, when we move away from the focus of containing weapons of mass destruction, it is my view we lose a great deal of our moral authority.

There is no doubt Saddam Hussein has been ruthless in the use of weapons of mass destruction with the use of chemicals on his own people, the Kurds, and in the Iran-Iraq war. There is very substantial evidence Saddam Hussein has storehouses of biological weapons, and there is significant evidence he is moving as fast as he can toward nuclear weapons. So when we talk about self-defense, when we talk about ridding the world of the scourge, that is a very high moral ground. When we talk about regime change, it raises the concern of many leaders of many nations as to who is next—maybe they are next.

I suggest it is possible to achieve regime change in a way superior to articulating or planning an attack with the view to toppling Saddam Hussein. I believe the way to achieve regime change, consistent with international principles, is to try Saddam Hussein as a war criminal. I introduced a resolution on March 2, 1998, which was passed by the U.S. Senate on March 13, 1998, calling for the creation of a military tribunal, similar to the war crimes tribunal at The Hague, similar to the war crimes tribunal in Rwanda, so that Saddam Hussein could be tried as a war criminal. There is no doubt on the evidence available that Saddam Hussein has committed war crimes. Without going into all of the details set forth in the resolution, I ask unanimous consent that it be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Herein, there is a very ample statement for the basis for trying Saddam Hussein and trying him successfully as a war criminal. In doing that, we would be following the precedent of trying former Yugoslavian President Milosevic as a war criminal. I have made some seven visits to The Hague and have participated in marshaling U.S. resources from the Department of Justice, also specifically from the FBI, also from the CIA during the 104th Congress back in 1995 and 1996, when I was chairman of the Intelligence Committee; and we now see the head of state, Slobodan Milosevic, on trial.

We had the experience of the war crimes tribunal in Rwanda, which achieved an international precedent in convicting former Prime Minister Jean Kambanda of Rwanda, the first head of state to be convicted. He is now serving a life sentence.

So it is my suggestion that the objective of regime change can be accomplished in accordance with existing international standards, on a multilateral basis, without having other nations in the world saying the superpower United States is trying to throw its weight around. It might take a little longer, but as is evidenced from the proceedings in Rwanda as to the former Prime Minister of Rwanda, and as evidenced from the proceedings of Milosevic, that is an ordinary successful progress of the law. The most difficult issue pending on the resolutions as to the use of force on Iraq, the most difficult issue, in my opinion, is the question of whether the United Nations authorizes the use of force.

I commend the President for his efforts to organize an international coalition. President George Herbert Walker Bush did organize an international coalition in 1991, and prosecuted the war against Iraq with great success, enlisting the aid of the Arab nations, including Egypt, Syria, and other countries. That is the preferable way to proceed, if it can be accomplished.

The obvious difficulty in conditioning the President's authority to use force on a United Nations resolution is the United States would be subjecting itself to the veto by either China, or Russia, or even France, and we prize our sovereignty very highly—justifiably so. The conundrum, then, is whether we will get that kind of an international coalition that would have the weight of world public opinion, would have the weight of the U.N. behind them.

The difficulties of having the United States act alone would be the precedent that would be set. It could be a reference point for China, for example, looking at Taiwan, where China has made many bellicose warlike statements as to its disagreements with Taiwan. If the United States can act unilaterally, or without United Nations sanction, there would be a potential argument for a country like China proceeding as to Taiwan. There would be a potential argument for a nation like India proceeding as to Pakistan, or vice versa, Pakistan proceeding as to India, which could be a nuclear incident. Both of those countries have nuclear power.

This is a question I believe has to be debated on the floor of the U.S. Senate. I have not made up my mind as to whether it is preferable to condition the use of force on a United Nations resolution, and I am cognizant of the difficulties of giving up sovereignty and being subject to the veto of China, which I don't like at all, or being subject to the veto of Russia, which I don't like at all, or being subject to the veto of France, again something I do not like. But I think we have to recognize when we are authorizing the use of force, and if the President takes the authorization and is not successful going to the U.N. to get a coalition, we will be establishing a precedent that may have ramifications far into the future, at some point in time when the United States may not be the superpower significantly in control of the destiny of the world with our great military power.

I am glad to see the President is moving ahead with an effort to get inspections in the United Nations, and Secretary of State Powell met last Friday with the U.N. inspection chief, who agreed there ought to be broader authority for the U.N. inspection than that which was in place in 1998 when Iraq ousted the U.N. inspectors. Hans Blix supported the position the United States has taken. Yesterday, on a Sunday talk show, the Iraqi Ambassador to the U.N. made a comment to the effect there was no huge problem on having U.N. inspectors come, even to the Presidential compounds.

That is probably a typical Iraqi statement: holding out an offer one day

and revoking it the next. I do believe it is important that we exhaust every possible alternative before resorting to the use of our armed forces, and to have the inspectors go back into Iraq is obviously desirable. We must have the inspectors, though, go into Iraq in a context where there are no holds barred.

In August, Senator SHELBY and I visited the Sudan. The Sudan is now interested in becoming friendly with the United States. Our former colleague, Senator Jack Danforth, has brokered the basic peace treaty which still has to be implemented in many respects. But as a part of the new Sudanese approach, the Government of Sudan has allowed U.S. intelligence personnel to go to Sudanese factories, munitions plants, and laboratories with no announcement or minimal announcement of just an hour, break locks, go in, and conduct inspections. That would be a good model for the inspection of Iraq. If, in fact, the Iraqis will allow unfettered, unlimited inspections, it is conceivable that would solve the problem with respect to the issue of weapons of mass destruction.

Certainly that ought to be pursued to the maximum extent possible. If, and/or when the Iraqis oust the U.N. inspectors or limit the U.N. inspectors, raising again the unmistakable inference that Saddam Hussein has something to hide, then I think there is more reason to resort to force as a last alternative and, in that context, a better chance to get other countries, perhaps countries even in the Arab world, to be supportive of the use of force against Iraq at the present time as they were in the gulf war in 1991.

Extensive consideration has to be given, in my judgment, to the impact on the Arab world. Egyptian President Mubarak has been emphatic in his concern as to what the impact will be there. So we ought to make every effort we can to enlist the aid of as many of the nations in the Arab world as possible.

If Saddam Hussein rebuffs the United Nations, again raising the unmistakable inference that he has something to hide, then I think the chances of getting additional allies there would be improved.

With respect to the situation with Israel, there is, again, grave concern that a war with Iraq will result in Scud missiles being directed toward Israel. Some 39 of those Scud missiles were directed toward Israel during the gulf war. Their missile defense system was not very good. Now we know that Israel has the Arrow system, but still all of Israel is not protected. The Arrow system has not been adequately tested.

In the gulf war in 1991, the Israeli Prime Minister Yitzhak Shamir honored the request of President Bush not to retaliate. It is a different situation at the present time with Israeli Prime Minister Sharon having announced if Israel is attacked, Israel will not sit back again.

When former National Security Adviser Brent Scowcroft published a very erudite op-ed piece in the Wall Street Journal in August, he raised the grave concern that with Israeli nuclear power, there could be an Armageddon in the Mideast. Former National Security Adviser Brent Scowcroft was advising caution; that we ought not proceed without exhausting every other alternative.

A similar position was taken by former Secretary of State James Baker in an op-ed piece, again in August, in the New York Times urging that inspections be pursued as a way of possibly avoiding a war.

DELEGATION OF CONGRESSIONAL AUTHORITY

Mr. SPECTER. Mr. President, one other issue is of concern to me, and that is the question of delegation of congressional authority to the President. The constitutional mandate—and I spoke to this subject last Thursday and will not repeat a good bit of what I said—but the doctrine of separation of powers precludes the Congress from delegating its core constitutional authority to the executive branch.

I had occasion to study that subject in some detail on the question of the delegation of congressional authority on base-closing commissions. There is a substantial body of authority on the limitations of the delegation of congressional authority.

In an extensive treatise by Professor Francis Wormuth, professor of political science at the University of Utah, and Professor Edwin Firmage, professor of law at the University of Utah, the historical doctrines were reviewed leading to a conclusion that the Congress may not delegate the authority to engage in war.

If we authorize the President to use whatever force is necessary, that contemplates future action. While no one is going to go to court to challenge the President's authority, that is of some concern, at least to this Senator.

I discount the argument of those who say that regime change of Saddam Hussein is motivated by the failure to finish the job in 1991 or Saddam's efforts to assassinate President Bush, the elder. While it is true that Vice President CHENEY and Secretary of State Powell were principal participants as Secretary of Defense and as Chairman of the Joint Chiefs of Staff on the decision not to march to Baghdad in 1991, their experience benefits the United States in this current situation.

I further discount the argument that President George W. Bush seeks to correct any mistakes of his father or that it is a personal matter, as some have argued, from his comment: The guy tried to kill my dad. I am not unaware of the psychologist's contentions that motives are frequently mixed and hard to sort out, but I do think our Nation is fortunate to have the leadership of President Bush, Vice President CHENEY, and Secretary Powell at this perilous time.

I have been briefed by administration officials on a number of occasions, and I am looking forward to another briefing tomorrow by National Security Adviser Condoleezza Rice and CIA Director George Tenet.

There is substantial information about the weapons of mass destruction which Saddam Hussein has available, but I am interested in knowing with greater precision, to the extent that the administration can release it, the situation with regard to Saddam's efforts to develop nuclear weapons.

In evaluating the time when preemptive action may be used, Secretary of State Daniel Webster, in dealing with the so-called Caroline incident, in 1837, when British troops attacked and sank an American ship, then-Secretary of State Webster made a point that an intrusion into the territory of another State can be justified as an act of self-defense only in those:

> Cases in which the necessity of that self-defense is instant, overwhelming and leaves no choice of means and no moment of deliberation.

It is very relevant, on an evaluation of meeting that goal, as to just where Iraq stands on the weapons of mass destruction. In previous briefings, I have sought the administration plan as to what will be done after Saddam Hussein is toppled, and I think that is an area where a great deal more thought needs to be given. The situation in Iraq would obviously be contentious, with disputes between the Sunnis and the Shi'ites, with the interests of the Kurds in an independent state, and it means a very long-term commitment by the United States.

We know the problems we have in Afghanistan. Iraq has to defray some of the costs, but what happens after Saddam Hussein is toppled has yet to be answered in real detail.

On the issue of a battle plan, perhaps that is too much for the administration to tell the Congress, but as a Senator representing 12 million Pennsylvanians, in a country of 280 million Americans, I think we ought to have some idea as to how we are going to proceed and what the casualties may be.

All of this is to say there are many questions and many issues to be considered. The predictions are numerous that the Congress of the United States will pass a resolution authorizing the use of force by an overwhelming majority. I am not prepared to disagree with that. And on a proper showing of the imminence of problems with Saddam Hussein and on a proper showing that this is the last recourse, my vote may well be cast with the administration as well. But I am interested in hearing debate on the floor of the Senate as to the relative merits of requiring U.N. multilateral action as a condition for the use of force, contrasted with U.S. unilateral action.

If we require U.N. multilateral action, we do subject ourselves to the

veto of France, China, and Russia, which is undesirable. If we authorize the use of force unilaterally by the President, then we may well be setting a precedent which could come back to haunt us with nations such as China going after Taiwan or a nation such as India or Pakistan going after the other.

I look forward to the additional briefing tomorrow, and I look forward to the debate which we will be having on the Senate floor on these very important issues.

I note that the distinguished President pro tempore has come to the floor. While this is not prearranged and I have not given him any warning—although I do not think Senator BYRD needs any warning on constitutional issues—I would be interested in the views of the Senator from West Virginia, if he cares to give them, on this issue of delegation of authority.

Earlier in my presentation, as I said last Thursday, I talked about this issue and referred to the treatise by Professors Wormuth and Firmage of the University of Utah where in a chapter devoted to the delegation of the war power the professors say:

> That Congress may not transfer to the executive . . . functions for which Congress itself has been made responsible. Of course, the power to declare war is a core congressional responsibility.

Chief Justice Marshall said—and I am leaving out some of the irrelevant parts—it will not be contended Congress can delegate powers which are exclusively legislative. And Hamilton argued in the Federalist to the effect that it is impossible for Congress to enact governing standards for launching future wars and, thus, spoke about the impermissibility of delegating the power to declare war.

The treatise notes the prohibition against the delegation of such power:

> To initiate a war in a future international environment in which significant details, perhaps even major outlines, change from month to month or even from day to day. The posture of international affairs of the future cannot be known to Congress at the time the resolution is passed.

According to Henry Clay, a great Senator, the Constitution requires that Congress itself appraise the immediate circumstances before the Nation voluntarily enters into a state of war.

Clay's argument went beyond that. He argued that:

> Congress itself cannot make a declaration of a future war dependent upon the occurrence of stipulated facts, because war is an enterprise in which all the contemporary circumstances must be weighed.

If we adopt the resolution, we will be saying that the President has the authority to use force, and that will be a decision which the President will make in futuro—some time in the future.

I am interested in the views of my distinguished colleague from West Virginia as to whether that is an unconstitutional or constitutional delegation of Congress' authority to declare war.

The PRESIDING OFFICER (Mrs. LINCOLN). The Senator from West Virginia.

Mr. BYRD. The distinguished Senator from Pennsylvania does me great honor in making his inquiry. I am not prepared to respond at the moment. I would be interested in reading the treatise by the persons named.

I might suggest that the Supreme Court, in its recent decision with reference to the line-item veto, strongly indicated that Congress cannot cede its powers under the Constitution.

I believe the court in that instance was alluding to certain powers over the purse.

This is a good question the distinguished Senator has posed. Based on his wide and rich experience as a prosecuting attorney, I think such questions as he raised are worthy of our attention. I would certainly want to be better prepared than I am at this moment to attempt to deal with the particular question he has asked. I thank him for his statement. I have been listening to his statement from my office. He raises serious questions which ought to be answered, ought to be debated.

I think we are hurrying too fast into this situation. I, as the Senator from Pennsylvania, have heard all of these predictions as to how fast the Senate and House will act. It may be that the train has gathered such momentum it will not be possible to slow it down, but I hope and pray this decision can be put off until after the election. I think it is too grave a decision. I think our fighting men and women need to be shown much greater regard than this, that we would not rush into having a vote on this resolution before it is adequately debated and amended.

I view with great concern the judgment that history will make of us for rushing into this decision, as we seem to be doing. I am concerned that Members of both Houses will have their decision tainted by the fact that it is going to be rendered in an atmosphere that is supercharged with politics. I have always had a great deal of confidence in the Senator from Pennsylvania, Mr. SPECTER. He is not one to be rushed or stampeded into making a decision. He always asks questions. He has the courage, the conviction, to stand up and state his principles and ask questions. That is what I hear him doing now. I am sorry I cannot respond to the questions the Senator posed, but I am glad to have this opportunity to make the comment aboout the Senator from Pennsylvania and what he is doing today, the questions he is asking.

Mr. SPECTER. Madam President, I thank my distinguished colleague from West Virginia for his response. I have raised quite a number of questions in the presentation I have made today. I am prepared to honor the President's request that we vote on this matter before we adjourn, but I think we ought to take the time to debate that need. There are a great many questions to be answered.

I look forward to having more of our colleagues on the floor. We were scheduled to go to this resolution at 1 p.m. today, and it is now 1:23. These issues about where the inspections are going to lead are important. These questions about the ramifications of acting alone are important. We do not want to repeat the mistakes of not going after bin Laden, as we had good cause to prior to 9/11.

We accused the generals of always fighting the last war. We have learned a bitter lesson from September 11, and we had cause to act in advance. We have to ask all this.

There is another issue I mention briefly before concluding, and that is the difference in language between the 1991 resolution, which says the President is authorized to use the Armed Forces in order to achieve the implementation of Security Council resolutions, and contrast it with the language of the two resolutions which are now pending, the resolution introduced by Senator LIEBERMAN and another resolution introduced by Senators DASCHLE and LOTT which say the President is authorized to use all means he determines to be appropriate.

''All means that the President deems to be appropriate'' is a subjective standard, which is different from the authority which the Congress gave President Bush in 1991, saying the President is authorized to use the U.S. Armed Forces in order to achieve implementation of Security Council resolutions, which we call in the law ''objective standard'' as opposed to subjective standard.

When we have other Senators on the floor, I will look for an opportunity to discuss this and to have a clarification as to what is meant here.

I thank the Chair. I thank my colleague from West Virginia.

EXHIBIT 1

S. CON. RES. 78

Whereas the International Military Tribunal at Nuremberg was convened to try individuals for crimes against international law committed during World War II;

Whereas the Nuremberg tribunal provision which held that ''crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can the provisions of international law be enforced'' is as valid today as it was in 1946;

Whereas, on August 2, 1990, and without provocation, Iraq initiated a war of aggression against the sovereign state of Kuwait;

Whereas the Charter of the United Nations imposes on its members the obligations to ''refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state'';

Whereas the leaders of the Government of Iraq, a country which is a member of the United Nations, did violate this provision of the United Nations Charter;

Whereas the Geneva Convention Relative to the Protection of Civilian Persons in Times of War (the Fourth Geneva Convention) imposes certain obligations upon a belligerent State, occupying another country by force of arms, in order to protect the civilian population of the occupied territory from some of the ravages of the conflict;

Whereas both Iraq and Kuwait are parties to the Fourth Geneva Convention;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Article 27 of the Fourth Geneva Convention by their inhumane treatment and acts of violence against the Kuwaiti civilian population;

Whereas the public testimony of witnesses and victims has indicated that Iraqi officials violated Articles 31 and 32 of the Fourth Geneva Convention by subjecting Kuwaiti civilians to physical coercion, suffering and extermination in order to obtain information;

Whereas in violation of the Fourth Geneva Convention, from January 18, 1991, to February 25, 1991, Iraq did fire 39 missiles on Israel in 18 separate attacks with the intent of making it a party to war and with the intent of killing or injuring innocent civilians, killing 2 persons directly, killing 12 people indirectly (through heart attacks, improper use of gas masks, choking), and injuring more than 200 persons;

Whereas Article 146 of the Fourth Geneva Convention states that persons committing ''grave breaches'' are to be apprehended and subjected to trial;

Whereas, on several occasions, the United Nations Security Council has found Iraq's treatment of Kuwaiti civilians to be in violation of international law;

Whereas, in Resolution 665, adopted on August 25, 1990, the United Nations Security Council deplored ''the loss of innocent life stemming from the Iraq invasion of Kuwait'';

Whereas, in Resolution 670, adopted by the United Nations Security Council on September 25, 1990, it condemned further ''the treatment by Iraqi forces on Kuwait nationals and reaffirmed that the Fourth Geneva Convention applied to Kuwait'';

Whereas, in Resolution 674, the United Nations Security Council demanded that Iraq cease mistreating and oppressing Kuwaiti nationals in violation of the Convention and reminded Iraq that it would be liable for any damage or injury suffered by Kuwaiti nationals due to Iraq's invasion and illegal occupation;

Whereas Iraq is a party to the Prisoners of War Convention and there is evidence and testimony that during the Persian Gulf War, Iraq violated articles of the Convention by its physical and psychological abuse of military and civilian POW's including members of the international press;

Whereas Iraq has committed deliberate and calculated crimes of environmental terrorism, inflicting grave risk to the health and well-being of innocent civilians in the region by its willful ignition of 732 Kuwaiti oil wells in January and February, 1991;

Whereas President Clinton found ''compelling evidence'' that the Iraqi Intelligence Service directed and pursued an operation to assassinate former President George Bush in April 1993 when he visited Kuwait;

Whereas Saddam Hussein and other Iraqi officials have systematically attempted to destroy the Kurdish population in Iraq through the use of chemical weapons against civilian Kurds, campaigns in 1987–88 which resulted in the disappearance of more than 182,000 persons and the destruction of more than 4,000 villages, the placement of more than 10 million landmines in Iraqi Kurdistan, and ethnic cleansing in the city of Kirkuk;

Whereas the Republic of Iraq is a signatory to international agreements including the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, and the POW Convention, and is obligated to comply with these international agreements;

Whereas section 8 of Resolution 687 of the United Nations Security Council, adopted on April 3, 1991, requires Iraq to ''unconditionally accept the destruction, removal, or rendering harmless, under international supervision of all chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support, and manufacturing facilities'';

Whereas Saddam Hussein and the Republic of Iraq have persistently and flagrantly violated the terms of Resolution 687 with respect to elimination of weapons of mass destruction and inspections by international supervisors;

Whereas there is good reason to believe that Iraq continues to have stockpiles of chemical and biological munitions, missiles capable of transporting such agents, and the capacity to produce such weapons of mass destruction, putting the international community at risk;

Whereas, on February 22, 1993, the United Nations Security Council adopted Resolution 808 establishing an international tribunal to try individuals accused of violations of international law in the former Yugoslavia;

Whereas, on November 8, 1994, the United Nations Security Council adopted Resolution 955 establishing an international tribunal to try individuals accused of the commission of violations of international law in Rwanda;

Whereas more than 70 individuals have faced indictments handed down by the International Criminal Tribunal for the former Yugoslavia in the Hague for war crimes and crimes against humanity in the former Yugoslavia, leading in the first trial to the sentencing of a Serb jailer to 20 years in prison;

Whereas the International Criminal Tribunal for Rwanda has indicted 31 individuals, with three trials occurring at present and 27 individuals in custody;

Whereas the United States has to date spent more than $24 million for the International Criminal Tribunal for the Former Yugoslavia and more than $20 million for the International Criminal Tribunal for Rwanda;

Whereas officials such as former President George Bush, Vice President Al Gore, General Norman Schwarzkopf and others have labeled Saddam Hussein a war criminal and called for his indictment; and

Whereas a failure to try and punish leaders and other persons for crimes against international law establishes a dangerous precedent and negatively impacts the value of deterrence to future illegal acts: Now, therefore, be it

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

(1) call for the creation of a commission under the auspices of the United Nations to establish an international record of the criminal culpability of Saddam Hussein and other Iraqi officials;

(2) call for the United Nations to form an international criminal tribunal for the purpose of indicting, prosecuting, and imprisoning Saddam Hussein and other Iraqi official who are responsible for crimes against humanity, genocide, and other violations of international law; and

(3) upon the creation of such an international criminal tribunal seek the reprogramming of necessary funds to support the efforts of the tribunal, including the gathering of evidence necessary to indict, prosecute and imprison Saddam Hussein and other Iraqi officials.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. What is the parliamentary situation?

The PRESIDING OFFICER. The majority has 2 minutes 41 seconds remaining in morning business, and the minority has 7 minutes remaining.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. If there is no further business, morning business is closed.

AUTHORIZATION OF THE USE OF UNITED STATES ARMED FORCES AGAINST IRAQ

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S.J. Res. 45, which the clerk will report.

The bill clerk read as follows:

A resolution (S.J. Res. 45) to authorize the United States Armed Forces against Iraq.

The PRESIDING OFFICER. Under the previous order, the time until 4 p.m. shall be equally divided and controlled between the two leaders or their designees with Senators permitted to speak therein for up to 15 minutes each.

Mr. BYRD. I ask unanimous consent I may have an additional 5 minutes over the 15.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, tonight at 8:00 p.m., President Bush will make a televised address to speak to the Nation about the threat of Iraq. According to press reports from this weekend, the President is expected to lay out, in detail, his case against Saddam Hussein, including the repressive dictator's long history of violence and aggression.

There is no disagreement about the character of Saddam Hussein, neither on Capitol Hill nor in the minds of every American. But while the President continues to make his case against Saddam Hussein, the issue on the minds of Senators and our constituents is, what exactly is the United States planning to do?

Rather than hearing more about Saddam Hussein—we know enough about him—what we need to hear from the President are answers to our questions about what he plans to do in Iraq. We need to know why the President is demanding that we act now. We need to have some idea of what we are getting ourselves into, what the costs and consequences may be, and what the President is planning to do after the fighting has stopped. After Iraq. After Saddam Hussein. It is not unpatriotic to ask these questions, especially when they are already on the minds of all Americans.

Why now? Those two little words: Why now?

Why now? What has changed in the last year, 6 months, or 2 weeks that would compel us to attack now?

Is Iraq on the verge of attacking the United States? If so, should our homeland security alert be elevated? Shouldn't the President be spending more time with his military advisors in Washington, instead of making campaign speeches all over the country?

The media reports suggest that the administration does not plan to act

until February. Why is the President telling Congress it has to act before the elections? Why are our own leaders telling us we have to act before the elections.

What are we signing up for?

We are about to give the President a blank check to deal with Iraq however he sees fit. What exactly is he planning to do with this power?

Does the President have clear objectives for this war? Does he want to disarm Saddam Hussein, or remove him from power?

When might the fighting end? What conditions must be met before the President would determine that the war is over?

The President has said several times that he wants to use force in order to bring Iraq into compliance with its international obligations. Why is he then demanding that Congress go even further and give him a blank check that would give him the power to commit our country to years or even decades of bloody war without the support of our allies?

We have already given the President a blank check to deal with al-Qaida, which he used to invade and occupy Afghanistan. Does the President plan to fight these two wars separately, or will the President combine them into a broader regional campaign?

What will be the costs of this war?

How many troops will be involved? Will we exercise the heavy ground option or will we exercise the heavy air option? Or might we exercise both options? How many reservists will have to leave their jobs to serve in uniform?

Will they be fighting door-to-door combat in downtown Bagdad?

Do our troops have adequate protection against the chemical and biological weapons that Saddam Hussein might employ?

How many American casualties is the Department of Defense anticipating in case the heavy ground option is utilized? How many American casualties is the Department of Defense anticipating. ?

In addition to the cost in blood, war is also a drain on the national treasury. How much will it cost to fight this war and to maintain an occupation force? Larry Lindsey said it would cost $100 billion to $200 billion, talking about this war and what it would cost. One hundred to two hundred billion dollars, and he said: That's nothing. During the Gulf War, our allies contributed $54 billion of the $61 billion cost of the war. Leaving the United States holding the bag for roughly $7 billion, a little over $7 billion out of the $61.1 billion total. Will our allies give us financial assistance in this war? Has anyone been asking them to divvy it up, to help pay the financial cost, or do we plan to shoulder it all?

Do we have the resources to care for our injured and sick veterans when they return from Iraq? Are our hospitals in this country prepared for that event?

Will there be other consequences to a war with Iraq?

How will the war against Iraq affect the fight against terrorism? How many of us will feel safer here in this country at night, when the shades of evening fall? How many of us will feel safer, once an attack against Iraq is launched? Will National Guard troops be removed from important homeland security missions in the United States?

If we act without the approval of the international community, what happens to the international cooperation in the war on terror we worked so hard to foster after 9/11?

How will a war between the United States and Iraq affect regional stability in the Middle East?

What will we do if Iraq attacks Israel? Can we persuade Israel to stay out of the war, or will we just stand by and watch them join in the fighting?

Are we putting more moderate regimes in the Middle East at risk, like Jordan, or Pakistan, which already has nuclear weapons. If a more radical government takes over in Pakistan, are we prepared to act there as well?

What happens after the war?

Who will govern a defeated Iraq?

How long will our troops be expected to occupy Iraq?

Do we expect Iraqis to rise up against Saddam Hussein, or take arms against us?

What plans do we have to prevent Iraq from breaking up and descending into civil war?

How can we contain the instability that will likely result in the north of Iraq that may threaten Turkey, our friend and NATO ally? Are we giving any thought to this? Is anybody in the administration giving thoughts to this question?

In his weekend radio address, the president told us that:

> should force be required to bring Saddam to account, the United States will work with other nations to help the Iraqi people rebuild and form a just government.

What does he mean by that? Is the President advocating a new Marshall Plan for the Middle East? Are the American people ready to make that kind of long-term regional commitment?

How much will the American taxpayer pay to rebuild Iraq? How much will our allies pay? If the United States should act alone in attacking Iraq, can we really expect the rest of the world to help rebuild Iraq after the war? Have any other countries committed to assisting in these peacekeeping duties? If so, how many? Can we afford to rebuild Iraq and Afghanistan at the same time? We may have to rebuild Israel as well.

I have a lot of questions. The American people have a lot of questions. But apparently the American people are not going to be asked. They are not going to be given the opportunity to ask their questions.

We are going to be stampeded and rushed pellmell into a showdown right here in the Senate and in the House, and in the next few days. Why all the hurry? Why are we in such a hurry? Election day is 4 weeks away from tomorrow. Wouldn't it be better to go home and listen to the people, hear what they have to say, and answer their questions before voting on this far-reaching, grave, and troubling question?

Every one of the questions the American people have is important. Without better answers from the President, we will only be getting part of the story, which is a dangerous position for Congress to be in as we prepare to vote on a war resolution this week or next week.

It is a sad thing that the elected representatives of the American people are being asked to vote on this troubling question before the election.

But the administration is not giving us meaningful answers to these questions. All we are getting are vague threats and political pressure from the White House. The President has not backed up his case against Iraq with a consistent justification based on clear reason and evidence. When the President and his advisers are pressed for clarity, they have responded with evasive and confusing references to the dangers of terrorism which they now seem to think has more to do with Saddam Hussein than Osama bin Laden. Defense Secretary Rumsfeld revealed that recently when he told the Senate Armed Services Committee:

> I suggest that any who insist on perfect evidence are back in the 20th century and still thinking in pre-9–11 terms.

In other words, it is just too hard for them to answer all of these questions, so Congress should just hand everything over to the President, and he will determine by himself what is ''necessary and appropriate'' when the time comes. Until then, the administration will provide Congress and the American people with very little information.

We need to know this information, and we need to know it now, before we are pressured into making a hasty decision about whether to send the sons and daughters of Americans to war in a foreign land; namely, Iraq.

The President's military doctrine will give him a free hand to justify almost any military action with unsubstantiated allegations and arbitrary risk assessments, and Congress is about to rubberstamp that doctrine and simply step out of the way.

I cannot understand why much of the leadership of this Congress has bought into the administration's political pressure. Congress will be out of the business of making any decisions about war, and the voice of the people will quickly be drowned out by the White House beating the drums of war.

There is no need for Congress to underwrite the President's new military doctrine. If the United States uses force against Iraq, then Congress can provide the President with enough authority to act decisively in Iraq. Any

further actions the President wants to take should be decided on a case-by-case basis. We should not get carried away by all of the war rhetoric and turn this Iraq resolution into a blank check for the President to enforce some vague new doctrine in every corner of the Middle East or the world beyond. Granting him such broad power would not only set a dangerous international precedent but would severely undermine our own constitutional system of checks and balances.

Some say that the process laid out in the Constitution will be satisfied once Congress votes on whether to authorize war. But Congress must not grant the use of force authorization without a full understanding of the consequences. We will be voting to decide whether we will allow the President to declare war at his convenience for an unlimited period of time. That does not satisfy the Constitution. After all, the President has repeatedly said he has not decided whether we must go to war.

Do we want to just give the President and all future Presidents an authorization for war that they can put in their hip pockets, to be pulled out whenever it is convenient? That is not the course of action worthy of the greatness the Founding Fathers expected when they created the legislative branch.

We should not have this vote on the issue for war or for peace before the Congress has answers to these questions. The President, when he speaks to the Nation tonight, must provide real answers to these questions that the American people are asking.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I say to my valued friend and colleague on the Senate Armed Services Committee that I thought we had an excellent debate on Friday afternoon, at which time a number of the points the Senator from West Virginia raised today were discussed. But I believe the administration has worked diligently in consultation with the Congress—most particularly the appropriate committees—the Senate Armed Services Committee, on which my colleague from West Virginia and I are privileged to serve, and also our colleague from Georgia, as well as the Foreign Relations Committee.

These questions, I believe, and the information that can be made available are and perhaps will again in the next day or so be made available to the Congress. I know I have, I say to my good friend from West Virginia, pressed the administration to see whether or not further information that now has classification can be given.

I and other Members of the Senate were back with our constituencies this weekend. I had about five meetings with my constituents at various places, and foremost in their minds is the seriousness of this situation we face with Saddam Hussein and his regime which possesses these weapons of mass destruction.

I believe this debate is evolving. I believe the Congress is in possession of those facts to justify a vote on the resolution, which Senator LIEBERMAN, Senator BAYH, Senator MCCAIN, and I have drawn up in accordance with consultations with the White House and the leadership.

I thought we got off to a good start on Friday. I thank my colleague for the opportunity to debate him—and we do very vigorously, and undoubtedly we will continue. But I believe, if I might say respectfully to my colleague from West Virginia, it is a good, strong record for the Congress and the American people. And there may be additional facts forthcoming. Certainly, we should await the President's message to the Nation and to the world with great respect because he has time and time again said war is the last option, the use of force is the last option. He pursued diligently diplomatic means before, not only with the United Nations but in one-to-one meetings himself, and the Secretary of State with the heads of state and governments in a great many nations.

I believe progress has been made in all directions.

I thank the Chair. I thank my colleague. I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CLELAND. Madam President, we as Members of the Senate, are now being asked by the Commander in Chief to make the most serious decision we can make: the decision to authorize him potentially to send our young American men and women in the American military into harm's way. When I was a young man in the mid-1960s, the U.S. Congress authorized the use of force against North Vietnam, and I volunteered to fight in that war. Three times since I came to the Senate—on Iraq in 1998, on Kosovo in 1999, and then last year on al-Qaida and international terrorism—I have been asked by the Commander in Chief to authorize the use of military force to achieve our Nation's objectives, and all three times I voted to authorize the use of force. This is now the fourth occasion I have been asked to give my consent to such action, and each time I have thought back to the words of one who occupied the same seat in the Senate I now have the privilege to hold, Dick Russell. Senator Russell said:

> While it is a sound policy to have limited objectives, we should not expose our men to unnecessary hazards to life and limb in pursuing them. As for me, my fellow Americans, I shall never knowingly support a policy of sending even a single American boy overseas to risk his life in combat unless the entire civilian population and wealth of our country—all that we have and all that we are—is to bear a commensurate responsibility in giving him the fullest support and protection of which we are capable.

That was a marvelous quote by Senator Russell in the 1960s.

While we need to update Senator Russell's statement to encompass the young women who now also put themselves into harm's way when we go to war, I think it stands the test of time very well and speaks to us all now as we contemplate our second declaration of war in the last 12 months. I believe its counsel of limited ends but sufficient means is sage advice now, as it was when first uttered under the shadow of the Vietnam war.

The leading military analyst of the Vietnam War, the late Col. Harry Summers, wrote in his excellent book, ''On Strategy: The Vietnam War in Context'':

> The first principle of war is the principle of The Objective. It is the first principle because all else flows from it . . . How to determine military objectives that will achieve or assist in achieving the political objectives of the United States is the primary task of the military strategist, thus the relationship between military and political objectives is critical. Prior to any future commitment of U.S. military forces our military leaders must insist that the civilian leadership provide tangible, obtainable political goals. The political objective cannot merely be a platitude but must be stated in concrete terms. While such objectives may very well change during the course of the war, it is essential that we begin with an understanding of where we intend to go. As Clausewitz said, we should not ''take the first step without considering the last.'' In other words, we (and perhaps, more important, the American people) need to have a definition of ''victory.''

Colonel Summers continues:

> There is an inherent contradiction between the military and its civilian leaders on this issue. For both domestic and international political purposes the civilian leaders want maximum flexibility and maneuverability and are hesitant to fix on firm objectives. The military on the other hand need just such a firm objective as early as possible in order to plan and conduct military operations.

Since we are indeed being asked to authorize the commitment of U.S. military forces, it is our responsibility—I would say it is our obligation—as the civilian leadership to provide our Armed Forces with ''tangible, obtainable political goals.'' In other words, we have to define now, before the fighting starts, what the objective is.

It is crystal clear to me what the appropriate, achievable, internationally supported and sanctioned objective is at the present time and in the present case: not simply the admission of weapons inspectors but the verified destruction of Saddam Hussein's store of weapons of mass destruction. This is the matter which makes the Iraqi regime a danger requiring international attention beyond that which is afforded to the all too numerous other regimes which oppress their own people, or threaten regional peace, or fail to fulfill their international obligations. It is the objective which President Bush has been increasingly centered on in his calls for action by the UN. For example, in his September 26 meeting with congressional leaders, the President put it very well. He said:

We are engaged in a deliberate and civil and thorough discussion. We are moving toward a strong resolution . . . And by passing this resolution we'll send a clear message to the world and to the Iraqi regime: the demands of the U.N. Security Council must be followed. The Iraqi dictator must be disarmed. These requirements will be met, or they will be enforced.

And this objective, the disarming of Saddam Hussein, is the objective which this Senate, this Congress is prepared to overwhelmingly endorse as we close ranks behind the President.

Adoption of the force resolution authorization will satisfy our obligations to make it clear to the international community that America stands united in its determination to rid the world of Iraq's weapons of mass destruction. And it will fulfill our responsibility to our military and our service men and women to provide a tangible, militarily obtainable objective. But it will not discharge this Congress of all responsibility with respect to our policy on Iraq.

In retrospect, it seems to me that the real failure of Congress in the Vietnam war was not so much passage of the open-ended Gulf of Tonkin resolution by near unanimous margins in both Houses—based as it was on what we now regard as very dubious information supplied by the executive branch and what those Senators and Representatives had to take at face value—but its subsequent failure for too many years to exercise its constitutional responsibilities as that authorization lead to a cost and level of commitment that few, if any, foresaw at the time. I would note that Senator Russell actually got the following language added to the Gulf of Tonkin resolution itself:

This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations, or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

Our duty, and the duty of this Congress and its successors, to our Nation's security and to our service men and women with respect to Iraq will not end merely with the passage of the pending resolution. We have a constitutional and moral responsibility to continue to review the evolving situation and to ask the hard questions. I did so on each of the three previous occasions when I have supported an authorization of the use of military force. I asked those questions on Iraq in 1998, on Kosovo in 1999, and then last year on al-Qaida and Osama bin Laden and the international terrorism war. And I will do so again with respect to Iraq.

After the 1990–1991 gulf war and after the final end of the cold war, then Chairman of the Joint Chiefs of Staff, Colin Powell, propounded a list of six questions which he believed must be addressed before we commit to a military intervention:

Is the political objective important, clearly defined, and well understood?

Second, have all nonviolent means been tried and failed?

Additionally, will military force actually achieve the objective?

What will be the cost?

Have the gains and risks been thoroughly analyzed?

And finally, after the intervention, how will the situation likely evolve and what will the consequences be?

I have already discussed the first question, the mission, and to the extent we focus on disarmament, I believe we satisfy Colin Powell's first criterion. The second, as to nonmilitary means, is being asked right now, at the United Nations, at Vienna, and in other world capitals. And while what the President calls a ''decade of deception'' by Iraq must make one very skeptical about the possibility for a satisfactory diplomatic resolution, I believe we should and must give it one final chance before considering the military option. As to the effectiveness of military force, since the President has not made any final decisions, he says, as to what kind of military operation, if any, will be undertaken, it is premature to make a firm determination, but in principle, given the outstanding capabilities of our Armed Forces, and what will hopefully be a well-defined mission, I believe we can answer in the affirmative. So far, so good.

But when we turn to the final three of General Powell's questions that he asked years ago, we see the need for some serious and sustained attention not only by the administration but by the Congress as well.

What will be the cost? And here we need to factor in not only the cost in terms of the immediate military operation, but also potential costs of what could be a very long-term occupation and nation-building phase. Among the many reasons we need to actively seek to build as large an international coalition as possible behind whatever we eventually undertake in Iraq is to help with the aftermath. I want to single out the leadership of my friends and colleagues from across the aisle, Senators LUGAR and HAGEL, in calling the country's and the Senate's attention to the importance of this aspect of our Iraq policy.

And what about the cost for our economy? The mere threat of war has sent oil prices upward and caused shudders on Wall Street. What will a full blown war do?

Have the gains and risks been thoroughly analyzed? And after the intervention, how will the situation likely evolve and what will be the consequences? These two are closely related in that, in my view, the long-term consequences have been the least discussed part of the equation thus far. If, as some believe, the consequence of a U.S. invasion of Iraq will be a united, democratic Iraq which can serve as a ''role model'' for the rest of the Arab world. Maybe, but such an outcome would not only fly in the face of Iraq's entire history since being created out of a British mandate at the end of the First World War but would appear to be contrary to much of what we have seen in the aftermath of other recent U.S. interventions, including most recently in Afghanistan. Perhaps, most importantly, we need to make absolutely certain that whatever we do in Iraq does not distract or detract from the war we authorized 12 months ago, our war on terrorism, which remains, in my view, job No. 1, mission No. 1, objective No. 1, one for our national security policy.

So these are the kinds of questions I will be asking, and I hope I will be joined by colleagues from both sides of the aisle in asking, as we move forward.

It now appears the Senate may have at least three alternatives to consider as we move forward on authorizing force against Saddam Hussein: the Biden-Lugar-Hagel resolution; a Levin resolution; and the resolution endorsed by the President, the House leadership and a bipartisan group of Senators. I certainly wish to pay tribute to all of the Senators involved in crafting all of these alternatives. Without exception, they are acting out of conscience and conviction in promoting our national security. And I believe most Senators share the views that diplomacy is preferential to force, and that proceeding with the input and support of the international community, including the United Nations, is far better and more effective than going it alone.

I will be supporting the resolution backed by the President and opposing the alternatives because I believe it is imperative that we now speak with one voice to Saddam Hussein, to the entire international community and, most importantly, to our servicemen and women. A strong, bipartisan vote for the pending resolution will strengthen the President's hand in his efforts to get the international community to step up to the plate and deal effectively with the threat posed by Iraq's weapons of mass destruction, and give the diplomats one last chance to secure Saddam Hussein's final, unconditional surrender of those weapons, as he has pledged since 1991.

The objective of our policy against Saddam Hussein should be a regime of unfettered inspections leading to full disarmament of Iraq's weapons of mass destruction. If diplomacy fails, the military objective must be the complete destruction of such weapons. Regime change may come but, because of the large costs and massive uncertainties this will inevitably produce, this should be the last resort, not the first.

We must not repeat the most disturbing display of partisanship with respect to national security to have occurred in the time I have served in the Congress. I am referring to the extremely disturbing spectacle of disunity and irresolution displayed by the House of Representatives on April 28, 1999 when, with American servicemen and women already in combat against Milosevic and Serbia, the House cast a series of votes that: prohibited the deployment of ground forces, which the

President had never asked for; defeated an attempt to remove US forces; and most dismaying of all, on a tie vote of 213–213, defeated the Senate-passed resolution authorizing the very air operations and missile strikes which were even then underway. What kind of message was that to send our Armed Forces personnel, or our NATO allies or Milosevic?

I implore the Senate to pull together behind the one resolution endorsed by the President, by the bipartisan House leadership and by a bipartisan group of Senators. That resolution affirms the importance of working in concert with other nations, gives preference to a diplomatic over military solution, focuses attention where it should be on disarming Saddam Hussein, seeks to ensure that we not be diverted from fighting the war on terrorism, and provides for the ongoing and Constitutional role of the Congress as events unfold in our policy toward Iraq. I urge a strong and bipartisan vote in favor of the resolution.

God Bless our country and the young men and women who serve in uniform.

I yield the floor.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The Senator from Virginia.

Mr. WARNER. Mr. President, I wonder if I might ask my very valued friend and colleague a question or two.

With his indulgence, I would like to make a few preliminary comments. First and foremost is that we have shared for some years now a strong friendship and strong working relationship, primarily through his service on the Senate Armed Services Committee. There has been no Senator who has been more mindful of the needs of the men and women of the Armed Forces than our colleague from Georgia. I felt his remarks today were exceedingly well taken, and in particular the need for a strengthened resolution here in the Congress, House and Senate together, acting on a resolution which is clear in its terms, in such a way that there be no daylight, no perceived or actual difference between the legislative bodies of our Government—the Congress, the Senate and the House, and the Executive, the Commander in Chief, the President. I commend him on that point and share it.

In previous days on this floor, most particularly on Friday, I have said that repeatedly. That is the key, the arch of this whole debate is the need to have unity of the two branches of Government.

I was also drawn to his excellent analysis of what we call the Powell doctrine, enunciated by General Powell during his period as Chairman of the Joint Chiefs. It is interesting today, of course, in his role as Secretary of State and in his testimony before the Foreign Relations Committee here in the Senate, those criteria he set down are basically the criteria he follows today as he represents this Nation on behalf of the President and all others in the United Nations and in his constant series of meetings with heads of state and government in an effort to build a coalition much like that which was built by the first President Bush in 1991.

The Senator from Georgia hit on the key part of the formula of Secretary Powell: What is the cost? And he quite properly enunciated some concerns and areas in there.

The question I ask is the question that has to be asked: What is the cost if we don't act now, act as we are doing; namely, through the United Nations, trying to exhaust all diplomatic means, act as we are now acting in consultation with the heads of state and government in order to build a coalition, and, as I understand it, supporting in some way the writing of a new resolution to be considered by the Security Council which would enable a new inspection regime, this time with clear absolute authority, no equivocation whatsoever about the authority of those going in to perform it and the consequences? Hopefully that resolution would be forthcoming, spelling out the consequences of the failure of Saddam Hussein to accept the resolution and indicate cooperation.

As my colleague knows, cooperation is essential in discharging any inspection regime. So that is where we are now.

What would be the cost, had our President not taken the initiative here in the past months to bring to the very forefront of the entire world the problem facing liberty and freedom with the potential of weapons of mass destruction being made night and day by Saddam Hussein in amounts far exceeding anything he would ever need to defend a sovereign nation?

What is the cost, had we not elevated this debate, had we not gone to the U.N., had not the Congress been asked by the President to have a resolution? What is your estimate of the cost? What would be the course of action for the world to take?

Mr. CLELAND. I thank the Senator for those kind words. In terms of the Powell doctrine, I had a chance to listen to it up front and close when I encountered him as Chairman of the Joint Chiefs of Staff at the Pentagon. We had a long discussion about being fellow Vietnam veterans, about what we learned out of that war, and how he approached the world now as Chairman of the Joint Chiefs.

I can remember two elements to the Powell doctrine. The first is sometimes overlooked. The first should be how to use the American military to stay out of war and, if we do get in it, win quickly. The second part of the Powell doctrine is the doctrine of superior force, what Nimitz called in the Second World War in the Pacific ''superior upon the point of contact.''

I am delighted we have a Secretary of State who understands the power of the first, which is using the American military to stay out of war. I think that is step one for me in the Powell doctrine. Step two is obviously if diplomacy fails, use superior force to accomplish your objective. In many ways, we have been acting since 1991. We have had Iraq under Operation Northern Watch and Southern Watch. We are covering 40 percent of Iraqi territory as we speak, we have a naval blockade, and we have sanctions, so we have not been inactive since 1991.

What is the status of his weapons of mass destruction, which is the focus of this entire debate? We really don't know, since the U.N. inspectors were kicked out about 4 years ago, where we stand in that regard. That poses a question and a threat. We know he has biological and chemical weapons, and he is working on a nuclear weapon. So that poses great danger to the Middle East, our allies, Western Europe, and potentially to us. Therefore, I think it is appropriate for the U.S. Senate to support, and the Congress to support, a resolution authorizing the President to take all necessary means, including to use force, to back up the original 1991 U.N. resolution authorizing disarmament of Saddam Hussein and his weapons of mass destruction. For me, that is the political objective and the military objective.

Mr. WARNER. The Senator also made reference to the period of the Clinton administration when President Clinton, again, in consultation with the Congress, acted on the seriousness of the issues of Saddam Hussein after he kicked out the inspectors and defied all 16 resolutions. We in the Senate acted, and I am going to read the resolution we adopted in the Senate:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Government of Iraq is in material and unacceptable breach of its international obligations, and therefore the President is urged to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations.

Both the Senator from Georgia and I supported it, am I not correct?

Mr. CLELAND. That is correct. I voted for that resolution in 1998. At one point, the resolution did not authorize the American forces to involve themselves in a regime change. In this resolution we are considering now, we are considering using American forces to not only order Saddam Hussein to comply with the 1991 resolution in terms of disarmament, there is an ''or else'' clause that says the President can use force as well.

Mr. WARNER. As my colleague, I assume, agrees with me, whoever is President of the United States—be it President Clinton or now President George Bush—has the inherent power to utilize the Armed Forces of our Nation when he deems there is a threat to our security. That, of course, is the essence of the debate we are undertaking now. So when I read the clause where

the Congress said ''therefore the President is urged to take appropriate action, in accordance with the Constitution and relevant laws of the United States,'' to me, that implies a recitation of what we all know since the very first President—he has the authority to use force, if he deems it necessary, to bring Iraq into compliance with its international obligation.

I wonder if the Senator would agree with this Senator one thing that has changed since this resolution is the situation in Iraq has worsened in the sense Saddam Hussein has had these years to proceed with his scheme of building weapons of mass destruction, and I think the open evidence shows he has achieved it in terms of the biological, and he has achieved it in terms of the chemical. With respect to the nuclear weapons, I believe the agreed-upon set of facts is he is doing everything he can to complete a program. There is a difference of opinion as to the time within which he can complete a program to give him a nuclear weapon.

So, in my judgment, what has changed since 1998 is the situation has gotten worse and more threatening from Saddam Hussein. Does my colleague have a view in concurrence with the Senator from Virginia?

Mr. CLELAND. Two points. First, the 1998 resolution, which I supported, the Senator from Virginia supported, and most of us supported, called for regime change but did not authorize the use of American military force. This resolution is different because I believe the situation is different, as the Senator pointed out. The situation is we really don't know the exact status of the biological and chemical capability of Saddam Hussein to wage warfare on his neighbors, our allies, our friends in the Middle East, and on us. Therefore, the 4 years the inspectors have not been there gives us great pause and great concern.

Therefore, our first step should be access to those military sites, those weapons of mass destruction sites, and the destruction of those weapons of mass destruction and complete disarmament according to the 1991 resolution. It is worth, in my opinion, authorizing the use of military force to accomplish that objective.

Mr. WARNER. I thank my colleague very much. I have enjoyed his observations. I respect him very much, as he bears the scars of a brave soldier on behalf of freedom while defending this country.

Mr. President, to conclude our colloquy, I want to read a brief statement that was given by President Clinton at the time of this resolution:

> In the next century, the community of nations may see more and more the very kind of threat Iraq poses now: a rogue state with weapons of mass destruction, ready to use them or provide them to terrorists, drug traffickers, or organized criminals, who travel the world among us unnoticed. If we fail to respond today, Saddam and all those who would follow in his footsteps will be emboldened tomorrow by the knowledge that they can act with impunity—even in the face of a clear message from the United Nations Security Council and clear evidence of a weapons of mass destruction program.

Mr. President, I see others on the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, all I know is what I read in the newspapers. Based on what I do know about public policy and what I read in the newspapers, I would be very frightened if all I knew was what I read in the newspapers because newspapers often get things wrong. It has been interesting to me, as we have had the buildup to this discussion in the Senate about Iraq, there have been a number of very thoughtful pieces written that have appeared in the newspapers, and I wish to draw on some of those and quote from some of them at length here today.

It so happens that both of the pieces I will use today appeared in the Washington Post, but there have also been useful pieces in the New York Times and the Wall Street Journal.

Before I get to that, I want to describe a conversation I had once as a younger man that has been an absolute paradigm conversation in my understanding of politics.

I was having lunch with an old friend, a very experienced political hand, a man who had once served President Eisenhower as a close member of his staff. We were discussing a certain candidate for President.

I said, somewhat improperly, because it was rather arrogant for me to do this: Is this candidate smart enough to be President of the United States?

My old friend answered immediately. He said: Of course not. Nobody is. Then he went on to explain.

As I say, he was a man who had been at Eisenhower's elbow during some of the most significant decisions of our time, and he made this point. He said: Every truly Presidential decision is so loaded down with unknowable consequences, with unforeseen possibilities, and unforeseeable challenges that no truly Presidential decision is ever made on the basis of intellect. It is made on the basis of instinct.

He mentioned this same candidate, and he said: He has good instincts, and you can back him with a clear conscience.

I have thought about that ever since that conversation, and I have realized the wisdom of it. If difficult decisions could be made by smart people and resolved, they would be resolved before they got to the President of the United States because any President in either party has plenty of smart people around him who can figure things out and come to a neat, tidy, absolutely defensible conclusion. But those decisions that do not lend themselves to neat and tidy and absolutely defensible conclusions are the ones that ultimately end up on the President's desk and are ultimately made, as my old friend said, on instinct, out of the gut, rather than intellect out of the analysis.

I remember a President who many people thought was lacking in intellectual candle power, who made a very momentous decision. His name was Harry Truman. He described how he was at his mother-in-law's home for Sunday dinner back in Missouri when the phone rang. He went to the entry hall of that old home where the phone was kept—showing how long ago this really was. There was no black box following him around. There was no communications apparatus with instant ties to the White House, just a phone in the entry hall where the phone used to be put in the days when there was only one phone per house, and that would be in a central location.

He answered the phone. It was Dean Acheson, who told him the North Koreans had just started across the border into South Korea. President Truman said: We have to stop the—expletives deleted.

In later years, he was asked to outline his decisionmaking analysis of the decision to hold the line in North Korea, and he told of the phone call and said: My decisionmaking analysis was that one sentence when I told Dean Acheson: We have to stop the—expletives deleted. He did not think about it any more than that. That came straight out of his gut. And it was Harry Truman's gut that made him one of the Presidents we now revere as one of the greatest of the past century.

This decision is about going to war in Iraq or about, putting it more properly, giving the President authorization to move ahead with force if at some point it becomes clear to him that is what we should do. It is in the category of those truly Presidential decisions.

As I listen to the debate on the floor, the questions being asked, the analysis being demanded, the effort being made to come up with a clear set of tidy pros and cons that can then be weighed on a balance sheet or an accounting statement and then a carefully crisp decision made on the basis of all of that evidence, I go back to my conversation with my friend. We do not know. No one knows what will be the situation in Iraq if we attack after it is over. We do not know whether the Middle East will be a more beneficent place or a more malevolent place if that attack takes place, and no one does.

I can find experts who will tell us this would be the very best thing we could possibly do, and that the Middle East will be much more peaceful, and that liberty will be on the march if we just stand firm. Out of the newspapers we can find plenty of columnists who will tell us that.

I can find other experts who will say this is the greatest disaster we would possibly bring upon the Middle East, and that if we attack Iraq, we will unleash a whole Pandora's box of problems. The Arab street will rise up, and

America will be hated for 100 years. There are plenty of columnists in the newspapers who will tell us that.

I can find experts who will say: Weapons of mass destruction will be used against Israel if we move ahead against Iraq; that there will be biological and chemical attacks not only against Israel but against American installations everywhere; that American multinational companies will become the targets of biological and chemical attacks; and that all of this can be averted if we just continue the discussions. I can find plenty of columnists and people in the newspapers who will tell us that.

Then there are those who say: If we do not act, we will so embolden Saddam Hussein and all the other dictators of the area that they will never move in a peaceful direction; we will have inevitable war, and it will be many times worse than anything that would be triggered by action taken now. Again, in the newspapers, I can find plenty of columnists who will tell us that.

So this is a truly Presidential decision, and it will be made not in George Bush's head or in the heads of those around him—DICK CHENEY, Colin Powell, Don Rumsfeld, Condoleezza Rice, brilliant people all; they stack up their degrees, they stack up their accomplishments in the world, and this is as glittering an array of talent as any President has ever assembled to advise him on foreign policy matters—but the ultimate decision will be made in the President's gut because this is a truly Presidential decision fraught with so many unknowable consequences and possible side effects that no one, no matter how smart, can accurately analyze them in advance and come to a neat and tidy and firm conclusion.

I take some comfort in an analysis that has been made of what I would call the long-term and big-picture question, a big-picture question that perhaps can be analyzed a little better than the specifics of whether or not we move ahead with force in Iraq. I refer first to a piece that appeared in the Washington Post written by Jackson Diehl entitled ''Bush's Foreign Policy First—But no one seems to notice—even at the White House.'' That is the subhead.

The ''foreign policy first'' that Mr. Diehl is talking about is the fact that the Bush administration, for the first time since the cold war, has laid down a coherent doctrine and strategy with respect to America's role in the post-cold war world.

We all sat in the House Chamber 10 days after the attack, perhaps a week or so after the attack, on September 11, and we heard President Bush deliver a fabulous speech. It had some of the most dramatic rhetoric I expect to ever hear in my lifetime, and it was the finest Presidential speech I have ever heard in my lifetime. As I stepped away from that speech and the emotion of the moment and analyzed it, realized President Bush had, in fact, for the first time in the post-cold war world, laid down a vision of that world and America's role in it. That speech was more than a rhetorical masterpiece. It was a serious policy statement of where America should be.

That has been fleshed out in a 34-page statement of foreign policy issued by the White House. That is what Jackson Diehl is referring to when he says Bush's foreign policy first—the first statement of the situation post-cold war as seen by an American administration looking at it in toto.

Quoting from Mr. Diehl's presentation, he says:

> For a decade U.S. internationalists bemoaned the absence of any coherent policy for engaging the world after the fall of Communism. The Clinton administration, like the Bush team before it, was excoriated for stumbling from crisis to crisis and for consistently making bad judgments about where and how to use America's sole-superpower strength. Now, at last, the internationalists have gotten what they wanted, and the reaction of too many of them is to be aghast.

Continuing the quote:

> The national security doctrine issued this month by the White House packs into just 34 pages everything the foreign policy of the 1990s lacked. It begins by embracing two facts that have been observed since 1991, but hard for a democratic and sometimes insular society to accept: that America has unmatched and unprecedented power in the world and therefore no choice but to shape the international order; and that it faces threats that are utterly different but in some ways more dangerous than the threats from the old Soviet Union.

I think that is exactly what the President was saying in his statement to the Joint Session of Congress. We must face the fact that we have power unmatched in history and, therefore, cannot abdicate our responsibility to shape the international order and, two, we must face the fact that we still live in a dangerous world and we are ironically more vulnerable now than we were before.

Mr. Diehl goes on, after talking about the situation surrounding the word ''unilateral,'' or ''presumptive action,'' and he makes this point:

> American presidents have been engaging in unilateral and preemptive military actions all along—most recently in Panama, Grenada and Haiti, and in Iraq following the 1998 expulsion of the inspectors. And what the new policy actually says is this: Because terrorists and rogue dictators now have the potential to do enormous harm to Americans with weapons of mass destruction and are not easily deterred, it may be necessary to strike at some before they can act. Should we again sit still if a future al-Qaida operates large terrorist training camps in a future Afghanistan? Rice's document treats this question as a matter of common sense, which it is. It also says, sensibly, that preemption is not the answer to all threats—and so far, at least, it hasn't been the legal basis for the White House campaign against Iraq.

I ask unanimous consent that I be allowed to continue for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed.

Mr. BENNETT. Jackson Diehl summarizes this way:

> The real heart of the doctrine, the proposition that U.S. strength be wielded to spread liberty throughout the world, has been barely acknowledged by a policy apparatus that continues to cultivate old and new autocratic allies in the Middle East and Asia.

I ask unanimous consent that the entire article appear at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. BENNETT. Turning to a piece which also appeared in the Washington Post written by Bernard Lewis, who is considered by some to be the ultimate authority on conflicts in the Middle East, it is entitled: ''Targeted By a History of Hatred—The United States Is Now the Unquestioned Leader of the Free World, Also Known as the Infidels.'' That is an interesting tie: We are the unquestioned leader of the free world, also known in many parts of the world as the infidels.

Put that headline against the statement contained in Jackson Diehl's summary of the Bush position paper authored primarily by Condoleezza Rice, and once again you see the big picture. We do live in a world where we are the only superpower. We have the responsibility to do something with that, and President Bush and his advisers have now come to the conclusion that the ultimate test of how we use our power should be how will it ultimately spread liberty throughout the world. That is the kind of flag to which I can repair. That is the kind of standard I can follow.

If we were the British in the 1700s and 1800s presiding over the world, the grand scheme would be: How can we enhance and increase British Imperial power? If we were the Romans when they were the only superpower in that portion of the world they cared about, the only big picture item would be: How can we secure and extend the power of the Roman legions? But as President Bush makes this truly Presidential decision out of his gut, he has made it clear that the ultimate question he is asking, and we must ask with him, is, How will this expand the role of liberty throughout the world? That, as I say, is a standard I can follow.

So I will be voting in favor of the resolution, not because I have figured out all of the unknowables and imponderables relating to it and not because I am absolutely sure that the Presidential power will be used in the right possible way in every possible circumstance. I will be doing it because I trust George W. Bush's instincts as outlined as clearly as any post-war President has ever outlined America's role in the post-war world.

He will use his power to expand and defend liberty throughout the world. He may use it by mistake. He may do things that do not produce that result. But that will be his polestar; that

should be America's polestar; that should be the policy we lay down and hold now for generations to come. It resonates with the decision of the Founding Fathers when the country was created. It is a worthy position for us to take now that the country has become preeminent in the world. Let us hope and pray that as we give this President this power it is always used to that end.

I yield the floor.

EXHIBIT NO. 1

BUSH'S FOREIGN POLICY FIRST

(By Jackson Diehl)

For a decade U.S. internationalists bemoaned the absence of any coherent policy for engaging the world after the fall of communism. The Clinton administration, like the Bush team before it, was excoriated for stumbling from crisis to crisis and for consistently making bad judgments about where and how to use America's sole-superpower strength. Now, at last, the internationalists have gotten what they wanted—and the reaction of too many of them is to be aghast.

The national security doctrine issued this month by the White House packs into just 34 pages everything the foreign policy of the 1990s lacked. It begins by embracing two facts that have been obvious since 1991, but hard for a democratic and sometimes insular society to accept: that America has unmatched and unprecedented power in the world and therefore no choice but to shape the international order; and that it faces threats that are utterly different but in some ways more dangerous than the threats from the old Soviet Union.

The Bush doctrine commits the United States to act aggressively, with others or alone, ''to promote a balance of power that favors freedom.'' The phobias about engaging abroad that paralyzed policy in the '90s, and infuriated the internationalists, are banished. This isn't just the Jacksonian assertion of American interests, though that is surely part of it. There is also a Wilsonian promise to ''bring the hope of democracy, development, free markets and free trade to every corner of the world''—and a Kissingerian strategy of maintaining a ''great power balance'' that decisively favors the United States. the ambition is breathtaking; ''We will work to translate this moment of influence,'' declares the doctrine, ''into decades of peace, prosperity and liberty.'' It is, in short, a bold—and mostly brilliant—synthesis, one that conceivably could cause national security adviser Condoleezza Rice, who executed it, to be remembered as the policymaker who defined a new era.

The first proof that Rice and her team are on to something is the alarmist reactions that have greeted her paper. Scandalized members of the foreign policy establishment are calling its treatment of preemptive action an unprecedented policy departure that endorses blitzkrieg as the remedy for anti-Americanism. In a chat with National Public Radio, historian Douglas Brinkley claimed that it ''is simply saying, 'We do what we want when we feel like it, and we will declare war on anybody if we think they might be declaring war on us.' ''

Policy perestroika usually provokes such first responses. But American presidents have been engaging in unilateral and preemptive military actions all along—most recently in Panama, Grenada and Haiti, and in Iraq following the 1998 expulsion of the inspectors. And what the new policy actually says is this: Because terrorists and rogue dictators now have the potential to do enormous harm to Americans with weapons of mass destruction and are not easily deterred, it may be necessary to strike at some before they can act. Should we again sit still if a future al Qaeda operates large terrorist training camps in a future Afghanistan? Rice's document treats this question as ''a matter of common sense,'' which it is. It also says, sensibly, that preemption is not the answer to all threats—and so far, at least, it hasn't been the legal basis for the White House campaign against Iraq.

That Colin Powell now is negotiating the text of another Security Council resolution on U.N. inspections with Russia, Syria and France points to the real weakness of the Bush doctrine—not that it is too radical but that it lacks the political momentum needed to overcome decades of encrusted old thinking and bureaucratic inertia. It's not just that liberal academics haven't signed on to the new doctrine. Inside the administration, it's hard to find anyone—other than Rice—who subscribes to every part of it. Instead, some push the unilateral offense, some the democratic nation-building—and no one quite gets his or her way. In practice, despite all the alarms, the administration's foreign policy, when not entirely paralyzed by internal infighting, mostly follows the old norms.

George Kannan's theory of containment eventually won over challengers from the right and left, and thus became the consensus doctrine of the Cold War. Will Rice have the same luck? So far preemption is no more than a scary word used to motivate the United Nations—which, at least in the case of Iraq, is perhaps its best use. Meanwhile, the real heart of the doctrine—the proposition that U.S. strength be wielded to spread liberty through the world—has been barely acknowledged by a policy apparatus that continues to cultivate old and new autocratic allies in the Middle East and Asia. Does George Bush really subscribe to the doctrine issued in his name? Ask Hosni Mubarak, or Pervez Musharraf.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank our distinguished colleague for an excellent contribution to this debate. He has a remarkable way of tying it to the reality of the present day and the present time and also looking toward the future. So, again, I thank him for his participation and hope he can perhaps return to the floor in the future.

I ask unanimous consent that following my remarks, an op-ed piece that appears today, Monday, October 7, in the Wall Street Journal, authored by our distinguished colleague JOE LIEBERMAN, whose name appears in the first place on the resolution that is before the Senate, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. WARNER. I read the following excerpt:

It is time to authorize the use of our military might to enforce the United Nations resolutions, disarm Iraq, and eliminate the ongoing threat to our security, and the world's, posed by Saddam Hussein's rabid regime.

Later he asks the question, Why now? He replies:

For more than a decade we have tried everything—diplomacy, sanctions, inspections, limited military action—except war to convince Saddam Hussein to keep the promises he made, and the U.N. endorsed, to end the Gulf War. Those steps have not worked . . .

So my answer to ''why now?'' is, ''Why not earlier?'' And, of course, that question has new urgency since September 11, 2001.

Further, he quotes from former Secretary of Defense Jim Schlesinger, under whom I was privileged to serve as Secretary of the Navy. Senator LIEBERMAN states:

As former secretary of defense Schlesinger recently told the Senate Armed Services Committee, ''Vigorous action in the course of an ongoing conflict hardly constitutes preventive war.''

EXHIBIT 1

[From the Wall Street Journal, Oct. 7, 2002]

OUR RESOLUTION

(By Joe Lieberman)

The most fateful and difficult responsibility the Constitution gives to members of Congress is to decide when the president should be authorized to lead the men and women of the U.S. military into war. We are now engaged in such a debate regarding Saddam Hussein's belligerent dictatorship in Iraq.

Although I disagree with many other aspects of President Bush's foreign and domestic policy, I believe deeply that he is right about Iraq, and that our national security will be strengthened if members of both parties come together now to support the commander-in-chief and our military. That's why I have cosponsored the Senate resolution that was negotiated with the White House. It is time to authorize the use of our military might to enforce U.N. resolution, disarm Iraq, and eliminate the ongoing threat to our security, and the world's posed by Saddam Hussein's rabid regime.

RESPONSIBILITY

Making the case for such action is a responsibility to be shouldered by those of us who have reached these conclusions. If we do so convincingly, not long will the American people and our allies better understand our standards for engagement, but governments around the world who defy the dictates of the U.N. to make weapons of mass destruction or to support terrorists will appreciate how painful the consequences of their brutality and lawlessness can be.

In that spirit, let me now address a few of the most critical questions my Senate colleagues and many American are asking.

Why has military action against Saddam become so urgent? Why not give diplomacy and inspections another chance? Why now?

For more than a decade we have tried everything—diplomacy sanctions, inspections, limited military action—except war to convince Saddam to keep the promises he made, and the U.N. endorsed, to end the Gulf War. Those steps have not worked.

In 1998, Bob Kerry, John McCain, and I sponsored the Iraq Liberation Act declaring it national policy to change the regime in Baghdad. The act became law, but until recently little has been done to implement it. In the meantime, Saddam has not wavered from his ambition for hegemonic control over the Persian Gulf and the Arab world: He has invested vast amounts of his national treasure in building inventories of biological and chemical weapons and the means to deliver them to targets near and far. Saddam once told his Republican Guard that its national honor would not be achieved until Iraq's arm reached out beyond its borders to ''every point in the Arab homeland.''

So, my answer to ''Why now?'' is, ''Why not earlier?'' And, of course, that question has new urgency since Sept. 11, 2001.

Won't a war against Iraq slow or stop our more urgent war against terrorism?

To me, the two are inextricably linked. First, remember that Iraq under Saddam is

one of only seven nations in the world to be designated by our State Department as a state sponsor of terrorism, providing aid and training to terrorists who have killed Americans and others. Second, Saddam himself meets the definition of a terrorist—someone who attacks civilians to achieve a political purpose. Third, though the relationship between al Qaeda and Saddam's regime is a subject of intense debate within the intelligence community, we have evidence of meetings between Iraqi officials and leaders of al Qaeda, and testimony that Iraqi agents helped train al Qaeda operatives to use chemical and biological weapons. We also know that al Qaeda leaders have been, and are now, harbored in Iraq.

Saddam's is the only regime that combines growing stockpiles of chemical and biological weapons and a record of using them with regional hegemonic ambitions and a record of supporting terrorists. If we remove his influence from the Middle East and free the Iraqi people to determine their own destiny, we will transform the politics of the region. That will only advance the war against terrorism, not set it back.

Why should we launch a strike against a sovereign nation that has not struck us first?

We should and will soon have a larger debate about the president's new doctrine of pre-emption, but not here and now, because the term is not apt for our current situation. We have been engaged in an ongoing conflict with Saddam's regime ever since the Gulf War began. Every day, British and American aircraft and personnel are enforcing no-fly zones over northern and southern Iraq; the ongoing force of about 7,500 American men and women in uniform costs our taxpayers more than $1 billion a year. And this is not casual duty. Saddam's air defense forces have shot at U.S. and British planes 406 times (and counting) in 2002 alone.

As former Secretary of Defense James Schlesinger recently told the Senate Armed Services Committee, ''Vigorous action in the course of an ongoing conflict hardly constitutes preventive war.''

Why not have two congressional resolutions, one now encouraging the U.N. to respond to President Bush's call for inspections without limits, and another one later authorizing U.S. military action if the U.N. refuses to act?

This is sometimes described as the way to stop ''go-it-alone'' action by the U.S. unless and until absolutely necessary. But I believe that the best way to encourage forceful U.N. action, so that we never have to ''go it alone,'' is for Congress to unite now in authorizing the president to take military action, if necessary. I am convinced that if we lead decisively, others will come to our side, in the U.N. and after. If we are steadfast in pursuit of our principles, allies in Europe and the Middle East will be with us.

Why not just authorize the president to take military action to disarm the Iraqis instead of giving him a ''blank check''?

Our resolution does not give the president a blank check. It authorizes the use of U.S. military power only to ''defend the national security of the United States against the continuing threat posed by Iraq'' and to ''enforce all relevant United Nations Security Council Resolutions regarding Iraq.''

There are 535 members of Congress who have the constitutional responsibility to authorize American military action, but there is only one commander-in-chief who can carry it out. Having reached the conclusion I have about the clear and present danger Saddam represents to the U.S., I want to give the president a limited but strong mandate to act against Saddam. Five hundred and thirty-five members of Congress cannot wage war; we can only authorize it. The rest is up to the president and our military.

A RECORD OF STRENGTH

We in Congress have now begun a very serious debate on these questions and others. Each member must act on values, conscience, sense of history and national security. When it is over, I believe there will be a strong majority of senators who will vote for the bipartisan resolution that John Warner, John McCain, Evan Bayh and I have introduced. I am equally confident that a strong majority of Democrats in the Senate will support it. In doing so, they will embrace the better parts of our party's national security legacy of the last half century. From Truman's doctrine to prevent communist expansion to Kennedy's ''quarantine'' of Cuba to prevent Soviet missiles from remaining there, to Bill Clinton's deployment of American forces to the Balkans to stop genocide and prevent a wider war in Europe, Democrats should be proud of our record of strength when it counted the most.

Each of the Democratic presidents above tried diplomacy, but when it failed, they unleashed America's military forces across the globe to confront tyranny, to stop aggression, and to prevent any more damage to America or Americans. That is precisely what our resolution would empower President Bush to do now.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I will use my 15 minutes to speak on the Iraq resolution at a subsequent time. I will speak today on something I think is extremely important to what we are doing militarily around the world; that is, as a result of an article I saw in today's Washington Post, and I am sure it is running all over the world.

Mr. WARNER. Could I ask my colleague, could your very important colloquy which I will have with you on this subject appear in a place elsewhere in the RECORD?

Mr. REID. I want it at this point. Sorry, but I really do. I think this is important to what we are doing today, I say to my friend, the distinguished Senator and my good friend from Virginia.

This headline reads: ''Bush Threatens Veto of Defense Bill.''

I cannot believe the President is involved in this—maybe some of the people around him—I cannot believe the President would do this. I cannot accept that. I cannot accept George W. Bush, a person I have found to be very sensitive to people—I hope my feelings are warranted.

We have statements from the same article:

> David S.C. Chu, Undersecretary of defense for personnel and readiness, said VA disability compensation is intended not to supplement military pensions.
>
> ''We're going to rob Peter to pay Paul.''

He was speaking for the President of the United States on this very important issue, saying:

> ''We're going to rob Peter to pay Paul''—''and the question is, should Peter really lose here?''

This is legislation I authored and others have supported over the years to allow military retirees to receive not only their retirement benefits from the military but also their disability benefits. That is all this is. Somebody who is in the U.S. military, who is disabled, can receive that pension in addition to their retirement benefits. The law now says you can't. I say that is wrong.

If you retire from the Department of Energy or Sears & Roebuck and have a disability pension from the military, you can draw both pensions. Why shouldn't you be able to if you retire from the military?

I am troubled with this administration's opposition of concurrent receipt of retirement pay and disability pay for disabled military retirees.

America's veterans have long been denied concurrent receipt based on an antiquated law that in effect says if you have 20 years in uniform you cannot draw your disability.

This ''robbing Peter to pay Paul'' troubles me. As we speak today, starting at 2:45 today until 2:45 tomorrow, 1,000 World War II veterans will die. A number of those have disabilities, and they are entitled to receive those disability benefits as a result of their service in the military. They are entitled to that. But not legally.

This law which has passed the Senate on two separate occasions—passed the House this year—is being threatened by the President. He is not going to OK this bill.

I held a press conference with Senator WARNER and Senator LEVIN last year saying they fought a good fight, and we were sorry we could not get it done. I will not accept that this year; neither are the veterans of this country. I know how dedicated Senator WARNER and Senator LEVIN are to the military of this country. Don't let them be bamboozled by this administration saying he will veto the bill.

I dare them to veto the bill based on disability benefits to veterans, 1,000 of whom are dying every day, World War II veterans. Not all 1,000 will draw benefit. They have exaggerated how man people will draw these benefits. But there are some.

And now I see a proposal in the same article, the distinguished Senator from Arizona saying maybe we will compromise and say those who have a service-connected disability can draw their benefits.

If you are in battle—at most, there are 10 percent during a conflict with military people on the front lines in combat—if someone gets shot and their shoulder is ruined, they should be entitled to the benefits. If someone is not in the front lines, but in the back lines, or even in America, not over in a foreign country, and they fall off a truck and ruin their shoulder, they are entitled to those benefits just like someone who was shot. They are doing their best to represent our country, and they are just as important. If you did not have those people behind the lines, you would not have the people on the front lines able to fight.

Career military retired veterans are the only group of Federal retirees required to waive their retirement pay to

receive disability. Other Federal retirees get both disability and retirement pay.

Some officials have been quoted in recent newspaper articles stating that retirement pay is two pays for the same event. Come on, get real, Mr. President. These people say this is doubledipping. These statements are simply untrue—or people do not know what they are talking about. Military retirement pay and disability compensation are earned from entirely different purposes. Therefore, a disabled veteran should be allowed to receive both.

Current law ignores the distinction. Military retired pay is earned compensation for the extraordinary demands and sacrifices inherent in a military career. It is a reward promised for serving two decades or more under conditions that most Americans would find intolerable. When a person goes into the military, they are expecting to draw retirement pay. When they go in the military, they are not expecting to come out disabled. But it happens. Veterans disability compensation is recompense for pain, suffering, and loss of earning power caused by a service-connected illness or injury. Few retirees can afford to live on their retired pay alone, and a severe disability makes the problem worse, limiting or denying postservice working life.

The Presiding Officer of this body is the chairman of the Veterans' Affairs Committee, and on a daily basis he deals with the problems, the burdens of veterans in our country. No group of people have more problems than veterans. Whether you are a World War II veteran, Korean war veteran, or a Vietnam veteran, you have problems. We have people from all those conflicts, plus others who have served in recent years who have disabilities. They are entitled to this. It has passed the Senate. It is the will of the people of this country. It is the will of the Senate. For, now, the President—his representative, a Mr. Chu—to come in and say:

> The President is not going to support this legislation. It would be robbing Peter to pay Paul.

What is that supposed to mean? We are not going to be able to buy a tank or airplane? Instead, we are going to have to give the money to somebody like Senator INOUYE, who has lost an arm, or Senator CLELAND, who has lost three limbs?

A retiree should not have to forfeit part or all of his or her earned retired pay as a result of having suffered a service-connected disability. There are those who have suggested a compromise for limited concurrent receipt to only combat-injured military retirees. I don't accept that. Many of our veterans have not been injured in combat, but they are no less injured or any less deserving of fair compensation. This is simply bowing to the administration's threat of a veto.

Likewise, the administration's assertion that if the concurrent receipt passes, ''1.2 million veterans could qualify'' for extra benefits is simply not credible. The Department of Defense and Department of Veterans Affairs previously informed Congress about 550,000 disabled retirees would qualify if the Senate concurrent receipt plan were approved. So where do they come up with another 700,000 people?

The administration's argument that funding benefits for America's disabled veterans would hurt current military personnel is misleading. Congress is not cutting funding for those who are now serving our country in order to provide benefits for those from previous generations who served loyally and made tremendous sacrifices. Congress will appropriate the money to pay for that.

Enacting this concurrent receipt legislation will not cause current service members to live in substandard quarters, as some say, in a misguided attempt to turn one generation of patriots against another. Moreover, at a time when our Nation is calling upon our Armed Forces to defend democracy and freedom, we must be careful not to send the wrong signal to those in uniform. All who have selected to make their careers in the United States military are now facing an additional unknown risk in our fight against terrorism. If they were injured, they would be forced to forego their earned retired pay in order to receive their VA benefits. In effect, they would be paying for their own disability benefits from their retirement checks unless this legislation is passed overwhelmingly.

If the President vetoes this bill because of this, how many Senators are going to come here and vote to sustain that veto? I don't think very many. Who would they rather have on their backs? The President or the veterans of this country? I know from Nevada, I would rather have the President on my back than those veterans—and they are right.

At a time when our Nation is calling on our Armed Forces, we need to do this. We must send a signal to these brave men and women the American people and Government take care of those who make sacrifices for our Nation. We have a unique opportunity this year to redress the unfair practice of requiring disabled military retirees to fund their own disability compensation. It is time for us to show our appreciation to these people.

Finally, the assertion the veterans who would benefit from concurrent receipt are already doing well financially is ridiculous. NBC, the National Broadcasting System, recently aired three news stories in which they documented the dire situation veterans are facing today. The Pentagon has acknowledged its studies of retiree income included extremely few seriously disabled retirees.

For too long America's disabled military retirees have been unjustly penalized by concurrent offset, and they are demanding action be taken now, not in the future. With such strong bipartisan support on both sides of the Congress, these men and women do not understand the opposition of the administration. As I say, I hope the President doesn't know what is going on.

Let me say again to my friend, the Senator from Virginia, who is on the floor—I have spoken to him today. I have spoken to Senator LEVIN today. I think this is so important we do this. At a time when our country finds itself in crisis, what could be wrong with a veteran getting retirement pay and disability pay at the same time? They are two separate earnings, one for being hurt, one for spending a lot of time in the military.

I have worked hard on this. I appreciate the support of the Senator from Virginia and the Senator from Michigan. But I am saying here we can't let this opportunity pass. We would be letting down people whom we should not be letting down.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I would like to commend my distinguished colleague and friend on this particular issue. Among the group of us, you have been primarily the leader. My recollection is this is about the fourth year we have brought this up for attention and really asked the Senate to focus upon it. This year it was a direct focus upon it by the Senate and the House, and both Chambers put a provision in their bill.

Mr. REID. I would also say to my friend from Virginia, not only that, but the House—we don't have a budget here, but the House budget includes this. They didn't include——

Mr. WARNER. Yes.

Mr. REID. They included it to 60 percent disabled. They have the dollars budgeted in the House. They did that. So the answer is absolutely correct.

I vote for these defense budgets. I am for a strong military. I remind everyone here in this Iraq season we are in, I was the first Democrat to announce publicly to support the first President Bush. I had no problem doing that. I want a good, strong military. But I think part of that is rewarding these people for having been injured. Why should we take their retirement away from them because they have been injured? There is no reason.

Mr. WARNER. I say to my colleague, we are now, as you know, in conference. Senator LEVIN and I work daily on this with our two colleagues from the House, Chairman STUMP and IKE SKELTON. This has not been resolved as yet.

We, of course, have to take notice of what is stated here. Presumably the statement in the Pentagon, by Mr. Chu, would not have been made had there not been some consultation with the staff of the President. I don't know the extent this has been brought to his attention. After all, he has been among

the staunchest defenders of the men and women of the Armed Forces—past, present and for the future.

So I say to my friend, I will join him and others and continue to try to work this issue in our conference. But I believe your statement at this time, I say to my colleague, comes at a critical moment. Because that decision could be made, indeed, today, tomorrow, the next day, as to how, finally, to constitute the provisions of the House-Senate conference document which would then be brought back to both Chambers for vote.

So I take to heart your comments. I will share them with our conferees. I express again my appreciation to you for your staunch—staunch defense of our veterans. I humbly say, modestly: I am a veteran. As a matter of fact, I would not be here had it not been for what the military did for me. I have often said they did a lot more for me than I ever did for them in my modest service. But I assure you, I am contemporary with the World War II generation, and you are absolutely right. One thousand a day are departing.

I have met with them. They have been among the more vigorous, to try and bring forth congressional action on this, as have any number of veterans' groups and groups associated with our military.

I say to my friend, your message is timely. We should take it to heart and do our very best.

Mr. REID. Mr. President, I can say to my friend, the ''gentleman'' from Virginia—and certainly he is the epitome of a gentleman—I appreciate very much his remarks.

Mr. DORGAN. Will the Senator from Nevada yield for 2 brief questions?

The PRESIDING OFFICER. Does the Senator yield?

Mr. WARNER. I have no objection, of course, but we are proceeding on the Iraq resolution. Following colleagues' comments and questions to our distinguished Democratic whip, we will return to, I believe, Senator KYL to be recognized.

Mr. DORGAN. Mr. President, I am mindful there are others waiting to speak. But when I learned Senator REID was going to speak today, I was going to ask him a couple of questions on this issue. I will just be 2 to 3 minutes, if I can ask the indulgence of my colleagues.

Mr. DOMENICI. If the Senator will yield, can I ask for the record that I follow Senator KYL?

Mr. WARNER. Certainly I have no objection. I think that is very helpful.

The PRESIDING OFFICER. That is ordered without objection.

Mr. REID. And following Senator DORGAN, Senator KYL be recognized for 15 minutes and Senator DOMENICI for 15 minutes.

Mr. DORGAN. I wanted to say to the Senator from Nevada, he has raised a very important issue at this point. Twenty-three of us in the Senate sent a letter to the authorizing committee on this subject, saying those soldiers who have earned a retirement should receive it, and those same soldiers who are entitled to a disability payment should receive that as well. It is that simple. Senator REID of Nevada has made the case. It is just a very simple issue of equity.

What I wanted to do is point out that NBC News did a story recently. I don't know whether the Senator mentioned this on the floor of the Senate. Hank Nix, from Ozark, AL, 52 years ago was shot in the chest. He took a bullet leading his platoon. He earned a Silver Star. He is now talking about having to move from their home because of what is called a broken promise. The Government is reducing his retirement pay because he is not allowed to collect both his disability—he is 100 percent disabled, he took a bullet in the chest leading his platoon in the Korean war, but he is not allowed to collect the retirement he earned and a disability payment he is due. Why? Because there is a quirk in the law that applies only to disabled soldiers and no other Federal worker. About half a million soldiers are in this circumstance.

It is, in my judgment, totally unforgivable that we don't fix this. It has been around for a long while. Many of us have talked about it on the floor of the Senate. I know the Senator from Virginia is in support of fixing it, as are, I think, most of our colleagues.

I appreciate the fact that the Senator from Nevada brought this to the floor today because this is critically important. If we are going to get it fixed, now is the time to get it fixed. A military career is filled with hardships, family separations, and sacrifices, and all too often being put in harm's way. There are promises made to those folks who wear America's uniform, and then we are not keeping the promise with respect to this issue.

Finally, let me say this: I have, as many of my colleagues have since September 11, 2002, visited military bases in Central Asia, Afghanistan, and elsewhere. You can see the pride in the eyes of those soldiers—men and women—who are fighting terrorism on behalf of our country. You know and they know we have an obligation to keep our promise to our veterans.

George Washington said it 200 years ago. I will not repeat the quote that has been repeated many times on the floor of this Senate. But when we send young men and women to war to defend freedom, we have an obligation to keep our promises to them. One of those promises is to say: If you earn a retirement, we will pay you that retirement. If you are disabled because of your service to our country, you are entitled to that disability payment. It is just that simple.

I appreciate the Senator from Nevada bringing it to the floor.

Mr. REID. I appreciate very much having worked with the Senator from North Dakota on this most important issue as we have on a number of issues.

My point is, the conferees must not cave in on this. Let them veto this issue. We will override the veto. This isn't something that is, oh, well, we will see. As I said, let everyone here in the Senate decide whom they want to support—the President's people or the veterans of their States. This is an issue on which conferees cannot let us down.

Mr. DORGAN. The President threatened a veto today—or the White House did, apparently. They said they cannot afford this. We can't afford not to do this. You just have to keep the promises here. I am talking about our country. We must keep our promise to veterans. I hope he will not veto. If he does, it will be overridden, I believe, by a very large margin here in the Senate.

I yield the floor.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator from Arizona.

Mr. KYL. Madam President, I support S.J. Res. 45 authorizing the use of force against Iraq.

Perhaps the most difficult decision one can make as a Member of this body is to vote to send American troops into harm's way. It forces one to consider every question, every possibility, and every option short of war. But this does not mean we should eschew action simply because we have not yet tried every other option. Some threats must be dealt with before implausible alternatives are allowed to play out because of the consequences of delay. Preemption may be the only logical course of action in some situations. A nation need not allow itself to be struck to be justified in acting to protect itself.

With these principles in mind, we can evaluate the need to authorize the use of force against Iraq. Actually, use of force against Iraq has already been authorized by both the United States and the United Nations. And the United States and Great Britain are already using force on a weekly basis.

Notwithstanding his obligations to allow aerial inspections in the no-fly zones, Saddam Hussein regularly attempts to shoot down our unarmed reconnaissance planes, and we either react by destroying the offending anti-aircraft site or seek to discover and destroy it before it can fire—preemption. No one questions our right to do this.

Two facts can, therefore, be established: No. 1, Saddam Hussein is not willing to allow unconditional inspections as he claims. He is not doing it now. No. 2, his continued violation of the United Nations resolutions requires a military response. That is assuming the resolutions were intended to be enforced when they were adopted. Delay in doing so only degrades our claim of authority to act and makes more difficult the task.

No one can argue that the United States and the international community have not exhausted the full range of legal, diplomatic, and other alternatives to try to compel Saddam Hussein to obey all of the terms of the cease-fire to which he agreed at the end

of the gulf war. His continuing defiance of that agreement, including his desire to acquire nuclear weapons and his support of terrorism, presents a real and growing threat to U.S. national security. We have now reached a juncture where the risks of inaction outweigh the risks of action.

Those who oppose the authorization of force usually define the test as whether there is an immediate threat, asking, Why do we have to act now? But I submit this is the wrong question. Our intelligence will never be good enough to allow us to calibrate our action to a threat just a few days or a few weeks away. We simply do not know enough to do that. We cannot wait until we are sure that Iraq has a nuclear weapon and is about to use it because it is unlikely we will ever have that evidence, and it will be too late when we do.

I find it ironic that some of the people insisting on this standard are also some of the loudest critics of our intelligence failures before September 11, arguing that we should have known an attack was imminent and we should have taken action to prevent it. If September 11 had not happened, my guess is that these same people would be urging caution, arguing that since we haven't yet ''connected all the dots,'' any preemptive action at that time would be too risky and premature.

Moreover, action is warranted now because there is no realistic hope that the United Nations resolutions and Saddam's promises to us at the end of the gulf war will otherwise be enforced, and each month that passes increases the danger.

Finally, Iraq is another front in this war on terror. Eliminating Saddam's threat will give us greater latitude in other actions we will have to take, and it will create a more willing group of allies in the region. For some of these countries to throw in with us, they need to know that we are absolutely committed to winning and that they are better off joining the winning side than continuing to pay tribute to terrorists in order to protect their regimes from terrorists.

While there is much about Iraq's capabilities we do not know, there are also some things we do know. No one, for example, can doubt the extent of Iraq's weapons of mass destruction. The only question is when and how he will use them and how long it will be before he can add nuclear weapons to his existing chemical and biological capabilities.

In recounting Iraq's nasty capabilities, it is useful to remind ourselves that Baghdad has continued to pursue the development of these weapons of mass destruction and the means to deliver them in violation of numerous U.N. resolutions. There are 13 such resolutions.

During the 7 years that the United Nations Special Commission—UNSCOM—inspectors were present in Iraq, Saddam Hussein went to great lengths to obstruct inspections to conceal his stockpiles and continue his programs under cloak of secrecy. It has now been 4 years since United Nations inspection teams last set foot in Iraq. We have evidence that Saddam has used that time to enhance his weapons and his development programs. I need not detail that evidence here. It has been amply discussed in a variety of open and closed sources of information provided by the administration, and it includes everything banned by the United Nations—chemical, biological, and nuclear weapons, and the means of delivering them.

In addition, Saddam Hussein has demonstrated proclivity to use force to achieve his objectives—twice against his neighbors. And his aggressive ambitions have already led him to deploy the devastating weapons if his stockpiles. He used chemical weapons against Iran. He again used them against his own Kurdish population. And he has launched ballistic missiles against four neighbors. He is devoting enormous resources of his country to upgrade his threat, which is not an action of one who only wants to survive.

There should be little doubt that Saddam Hussein will use his weapons of mass destruction again either to back up a threat to harm us if we stand in the way of some future aggression or in actual attack against us or our allies, including, potentially a terrorist type attack on our homeland. A recent article by Kenneth Pollack in the Arizona Republic amplifies this point. In the article, Pollack concludes, ''. . . there is every reason to believe that the question is not one of war or no war, but rather of war now or war later—a war without nuclear weapons or a war with them.''

Saddam Hussein's abuse of the Iraqi people is also deplorable, not to mention a violation of a U.N. resolution passed just after the Gulf War, resolution 688. His hideous treatment of Iraqi men, women, and children is documented. A report published by Human Rights Watch in 1990 described the shocking brutality of the Iraqi regime:

> Large numbers of persons have unquestionably died under torture in Iraq over the past two decades. Each year there have been reports of dozens—sometimes hundreds—of deaths, with bodies of victims left in the street or returned to families bearing marks of torture. . . . The brazenness of Iraqi authorities in returning bodies bearing clear evidence of torture is remarkable. Governments that engage in torture often go to great lengths to hide what they have done. . . . A government so savage as to flaunt its crimes obviously wants to strike terror in the hearts of its citizens. . . .

And, as Iraqi citizens starve, Saddam has illegally used oil revenues from the U.N. oil-for-food program to rebuild his military capabilities, including his weapons of mass destruction. Then, of course, Saddam blames the United States and the United Nations for the suffering of the Iraqi people.

Finally, there is Saddam Hussein's support for international terrorism. In his address to the Nation following the September 11 attacks, President Bush presented the countries of the world with two unambiguous options. He said: ''Every nation in every region now has a decision to make. Either you are with us, or you are with the terrorists.'' Saddam Hussein made his decision.

Iraq was the only Arab-Muslim country that failed to condemn the September 11 attack. In fact, the official Iraqi media stated on that day that America was ''reaping the fruits of [its] crimes against humanity.'' We know that Iraq has hosted members of al-Qaeda. And National Security Advisor Condoleezza Rice has commented specifically on Iraq-al-Qaeda ties.

''We clearly know,'' she said, ''that there . . . have been contacts between senior Iraqi officials and members of al Qaeda. We know too that several of the [al Qaeda] detainees, in particular some high-ranking detainees, have said that Iraq provided some training to al Qaeda in chemical weapons.''

And Iraq has supported other terrorists. For example, Abu Abbas, the mastermind of the 1985 *Achille Lauro* hijacking and murderer of American Leon Klinghoffer, lives in Baghdad. The notorious Abu Nidal lived in Baghdad from 1974 to 1983, and then again recently until he was gunned down earlier this year. And Saddam Hussein has provided over $10 million to the families of Palestinian homicide bombers.

Now, the question is, what has the international community been doing about all of this? The answer, Madam President, is not much. The much-touted doctrine of deterrence only works if agreements are enforced. Saddam obviously has not been deterred because no one has been willing to stop him from continuing his unlawful activities.

Saddam Hussein has failed to live up to his cease-fire obligations. The U.N. has failed to enforce them. President Bush described it succinctly in his speech before the United Nations:

> Just months after the 1991 cease-fire, the Security Council twice renewed its demand that the Iraqi regime cooperate fully with inspectors, condemning Iraq's serious violations of its obligations. The Security Council again renewed that demand in 1994, and twice more in 1996, deploring Iraq's clear violations of its obligations. The Security Council renewed its demand three more times in 1997, citing flagrant violations; and three more times in 1998, calling Iraq's behavior totally unacceptable. And in 1999, the demand was renewed yet again.

If nothing else, the decade following the Gulf War has illustrated clearly the limits of U.N. diplomacy. But the U.S. does not have to participate in this folly. Our word must mean something. If we fail to force Saddam Hussein to comply with his obligations, we will have sowed the seeds of even greater and more threatening action in the future.

Is it possible that we could avoid military actions by accepting Iraq's offer to allow unlimited inspections? The answer, I submit, is no. It would

have been hard enough for UNSCOM, but it has been replaced by a new entity negotiated between Secretary General Kofi Annan and Iraq in 1998. Unlike UNSCOM, this new entity, the U.N. Monitoring, Verification, and Inspection Commission, known as UNMOVIC, is staffed by U.N. employees, rather than officials on loan from member governments.

The inspectors—who are not even required to have expertise in relevant weapon programs—will not be able to make effective use of intelligence information. They can't receive intelligence information on a privileged basis, and the information that they gather can't flow back to national intelligence agencies, like our CIA. As Gary Millholin, Director of the Wisconsin Project on Nuclear Arms control recently commented, ''This eliminates the main incentive for intelligence sources to provide UNMOVIC with information in the first place.'' Since most of what we learned during inspections was the result of intelligence gathered from Iraqi defectors, it is doubtful UNMOVIC could produce much of value.

The absurdity of this set-up can only be trumped by the absurdity of believing that this commission could possibly succeed against a vicious dictator who has spent the last 11 years perfecting the arts of concealment and deception in a country the size of France. As David Kay, former head of the U.N.'s nuclear inspection team, recently remarked, ''The only way you will end the weapons of mass destruction program in Iraq is by removing Saddam from power.''

Let me repeat that. This is from the former head of the nuclear inspection team of the United Nations:

> The only way you will end the weapons of mass destruction program in Iraq is by removing Saddam from power.

Here is the bottom line on the international community's ability to deal with the Iraqi threat: Since the end of the Gulf War, Saddam has a nearly perfect record in violating U.N. Security Council resolutions. The United Nations, in turn, has a nearly perfect record in failing to enforce them.

It is time to end this whole charade. Knowing that diplomacy will continue to fail, we have an obligation to act, and not allow diplomacy to be used as a weapon by a brutal dictator. That is a lesson we should have learned through our experiences with the likes of Hitler, Stalin, Ho Chi Minh, and Slobodan Milosevic. Moreover, too much is at stake to place American security in the hands of unaccountable bureaucrats at the U.N.

It is time for military action that will terminate the regime of Saddam Hussein and destroy his weapons of mass destruction. We cannot be assured of peace unless this threat is removed.

Some observers still insist that we should try to contain Saddam through the doctrine of deterrence. After all, they say, we relied on deterrence to contain the Soviets for 50 years, and maybe that will work against Saddam. Mr. President, perhaps we should be thankful that we suddenly have so many new converts to deterrence, since many of these same voices were 20 years ago arguing instead for a nuclear freeze and unilateral U.S. disarmament. I'll remember their newfound commitment to deterrence as we attempt to deal with China's growing militarization in the coming months and years.

There are situations where deterrence can work. This is not one of them for two reasons. First deterrence has a shelf life. If there is no response to violations, a dictator is not deterred—the threat of retaliation is no longer credible. The U.N. has done nothing and the U.S. next to nothing. As a result, Saddam has not been deterred. In any event, containment and deterrence do not apply well in this case.

President Bush was absolutely correct when he declared at West Point that ''deterrence means nothing against shadowy terrorist networks with no nation or citizens to defend;'' and, ''containment is not possible when unbalanced dictators with weapons of mass destruction can deliver those weapons on missiles or secretly provide them to terrorist allies.''

While belatedly embracing deterrence, critics of force reject a doctrine of preemption. Yes, they say, there have always been situations where countries had to act with force to prevent some attack on them, but that's different from an announced doctrine of preemption.

There are several answers. The first is: no it is not. Preemption only applies to certain situations—like Iraq. Though Iran presents many of the same circumstances as Iraq, there are differentiating factors that make preemption less appropriate vis-a-vis Iran. There is no ''outstanding warrant'' as with Iraq; regime change could come from within Iran; and, militarily, force is much less an option—to name three differences.

Second, it is senseless to require a ''smoking gun'' in order to act. As Secretary Rumsfeld has said: ''A gun doesn't smoke until it's been fired and the goal has to be to stop such an attack before it starts.''

Since September 11, this takes on a whole new meaning. Don't think smoking gun—think World Trade Center and Pentagon.

As we stand here more than one year after 3,000 innocent civilians perished at the hands of vicious terrorists, we need to ask ourselves, do we really want to wait until another attack, perhaps one using weapons of mass destruction? What opponents really mean is, wait until just before such an attack, and only act if we're reasonably sure the attack is coming. Obviously, we can't count on knowing that, and the potential consequences are too great to risk it.

So the answer to that question is an emphatic no. September 11 changed everything, or at least should have changed everything, in the way we approach these matters. September 11 moved us out of the realm of international relations theory and into the realm of self-defense. If the President decides to move against Iraq, it will be an act of self-defense. And by voting to authorize the President to take that action, this body will be authorizing an act of self-defense. Knowing what we know, how could we explain inaction if we were subsequently attacked?

What's more, it should be obvious that if Saddam acquires nuclear weapons, it will give him the ability to deter us. We are already hearing arguments against the use of force because of the potential of Iraq using chemical or biological weapons against our forces. Consider having this debate a few months or years from now after we've ascertained that he definitely has a nuclear saber to rattle. This will make a move against Saddam, or any other American action in the Middle East, more dangerous, and in all probability, less likely. It is Saddam's dream come true. He will be able to check our actions. So, again, the time to act is now.

But, some critics say, we must wait for international approval. Mr. President, I submit that the proponents of ''multilateralism,'' in addition to willfully ignoring the fecklessness of the U.N. and certain other countries, neglect the special leadership role that our country plays in the world.

It is no accident that it devolved to us to end German imperialism in World War I, stop Adolf Hitler in World War II, and defeat the forces of international communism in the Cold War. It is no accident that the oppressed peoples of the world look at us, rather than other countries or the U.N., as their ray of hope. That is why we lead, and why we must lead.

We are fortunate to have a President today who appreciates this. While much of the rest of the world insists on burying its head in the sand or clinging to failed approaches, President Bush understands that now is the time to confront Saddam. And while others insist on a false distinction between the Iraqi threat and the war on terrorism, President Bush has, as Noemie Emery has written in The Weekly Standard, connected the dots. In so doing, writes Emery, President Bush has, like Harry Truman when the Soviets encroached on Greece and Turkey in the 1940s, perceived ''an ominous and enlarging pattern'' that demanded a response. Emery continues, ''Several presidents have had to wage wars, but only two, Bush and Truman, have had to perceive them, and then to define them as wars.''

This is the essence of leadership. By perceiving that we can no longer afford to be attacked before we act, President Bush's doctrine of preemption allows us, where appropriate, to act first

against terrorist organizations and states.

Our use of force in self-defense against Iraq will also help liberate the beleaguered people of Iraq. Aside from the moral imperative, there are a number of tangible benefits to the United States that a more democratic Iraq will bring.

First, if real democracy can take hold, it will dispel the notion that the people of the Middle East are incapable of democratic governance, just as Taiwan and the Philippines have destroyed the ''Asian values'' myth in recent years. It's notable that the scourge of Islamic terrorism has been nurtured, not in democratic Muslim countries such as Turkey, but in repressive dictatorships like Iraq, Iran, Syria, and Saudi Arabia. A democratic regime in Baghdad will set an example and hopefully spark other badly-needed changes in governments in the region. And, in the long run, democracy will prove to be the antidote to Islamic-based terrorism.

A democratic regime that follows our removal of Saddam Hussein will also provide us with a new and reliable ally in this critical part of the world. The war on terrorism will almost certainly entail additional actions, and the intelligence, political support, overflight rights and the like from an allied regime in Iraq could prove critical to those efforts.

Lastly, a democratic Iraq will bring that nation's vast oil production capabilities back onto the world market. This will help the world economy by, among other things, lessening the ability of the Saudis and others to manipulate oil prices.

While I support this resolution and support using force to rid the world of Saddam Hussein, I do want to offer a few caveats.

First, our commitment to this effort must be total. Our goal here must be nothing short of the destruction of the current Iraqi regime. There is no other realistic way to permanently disarm Iraq of its weapons of mass destruction. And providing our Armed Forces with anything less than everything they need to accomplish that goal is unacceptable. And that includes the support of our intelligence community.

Second, after removing the regime, we must resist the temptation to rush home. As I just stated, there are enormous benefits in helping Iraq achieve democracy. However, it is most unlikely that Iraq can be stabilized and democratized without a significant U.S. presence after the defeat of Saddam.

There can be no questioning the fact that the U.S. occupation of Germany and Japan after World War II was critical to forging those two countries into the democracies they now are. I am not saying we need to copy those examples precisely, but it would be short-sighted and dangerous for us to leave a shattered Iraq on its own or in the hands of the United Nations after the removal of Saddam.

Third, we must not undertake this struggle on the cheap. We should make no mistake: this operation is going to require a great deal of manpower, weapons platforms and equipment, possibly for quite some time. Those forces need to come from somewhere, and our forces have already been stretched thin by the profusion of peacekeeping missions and the budget cuts of the 1990s.

Meanwhile, we need to maintain and, I would say, even augment our deterrent posture elsewhere in the world. For example, last year's Quadrennial Defense Review, mostly drafted before September 11, called for increasing our carrier presence in the Western Pacific. This seems to me to be quite necessary, given that we normally have only one carrier—the *Kitty Hawk*—in that region, but two potential conflict zones, Korea and Taiwan. Yet, when we began our operations in Afghanistan last year, the *Kitty* Hawk was called to duty in the Arabian Sea, leaving us with no carrier in the Western Pacific for months.

We will almost certainly face this situation again if we go to war against Iraq, and it is not something that we should ignore. The upshot, is that this body needs to come to grips with the need for a defense budget that supports the cost of operations like Afghanistan and Iraq, defense transformation and an adequate global force posture. At current spending levels, we are going to come up short of that goal.

Last, but not least, I believe the administration needs to be very careful in its diplomatic efforts to secure a new U.N. Security Council resolution. That body includes the terrorist regime of Syria, Communist China, which threatens our friends on Taiwan and sells fiber-optics to Iraq, and Russia, which has forged close economic ties with Iraq over the past decade. Principle, not expedience, must be our ultimate guide in dealing with these countries that hold the votes to deny or authorize U.N.-backed action.

If we need to make concessions to these regimes that undermine our interests elsewhere—in Taiwan, for example—then it is not worth securing their votes in the Council. Ultimately, we should be prepared to defend our interests with or without the U.N.

Which bring me to my conclusion, Mr. President.

This resolution we are considering today, and this action the President is contemplating in Iraq, is not about carrying out the will of the United Nations or restoring its effectiveness. It is not about assuring the world that the United States is committed to ''multilateralism.''

Section 3(a)(1) is the heart and soul of this resolution. It authorizes the President to use the Armed Forces of the United States to ''defend the national security of the United States against the continuing threat posed by Iraq.''

That is what we are doing here today, defending our national security.

It is a sobering, and humbling, task. But as members of the United States Senate, it is our solemn duty.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I compliment our distinguished colleague. I say to the Senator, even though you have given your statement, I anticipate this debate in the Senate will continue for 2 days, and perhaps you will find the opportunity to revisit the floor and, again, personally elaborate on your points.

Today, you have given a very important and timely historical context of the events, and the sequence of those events. And you have placed extremely important emphasis on what the U.N. is trying to do today, as we are right here, in fashioning an inspection regime that is much stronger than the one that is on the books from when Hans Blix was appointed. But I am sure the Senator observed Hans Blix, after visiting with Iraqi officials in Austria, said he would like to wait until the Security Council acted.

So what we are looking forward to now is the evolving process of a regime which I think has to meet the criteria established by our President and the Prime Minister of Great Britain, and others, before we can accept that as a workable solution. Would the Senator agree?

Mr. KYL. Madam President, I hope to have the opportunity to speak to this issue again, but I will say two quick things in response to the Senator from Virginia.

First, I note that Hans Blix has largely, it appears to me from news media accounts, agreed with the position of the United States on what would be necessary to conduct meaningful inspections that would result in the disarmament of Saddam Hussein because, as he noted, the object here is not inspections; the object is disarmament. And inspections would be but a way to achieve that.

Secondly, as I said, I think that only the most naive would believe that it is possible to have an effective regime, irrespective of what kind of resolution were adopted, as long as Saddam Hussein is in power. That is why I quoted the former U.N. inspection team leader David Kay, who made the point, with which I totally agree, that as long as Saddam Hussein is in power there, it is impossible to have disarmament of the kind that was called for at the end of the gulf war.

Mr. WARNER. I thank my colleague. Assuming the Security Council will act, I will personally await the judgment of our President and that of the Prime Minister of Great Britain with regard to the structure and effectiveness, potentially, of such a new regime.

In this debate we have sort of gone back and forth in a very effective discourse on the issues. I wonder if at this time I might ask unanimous consent that the junior Senator from Virginia, Mr. ALLEN, might follow our distinguished colleague, Mr. DOMENICI.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I have 15 minutes, I believe.

The PRESIDING OFFICER. The Senator may proceed. He does.

Mr. DOMENICI. Madam President, I would like to talk about the Iraqi situation for a small portion of my 15 minutes.

The more I have been reading about this, the more I have been studying it, the more I come to an answer that I have to make as to whether I will give the President authority to use our military forces along with other countries so as to avoid the use of weapons of mass destruction by Saddam Hussein. I have to ask myself a question: How is he most apt to disarm? What is most apt to make him disarm? Talk? Resolutions? I think not.

When we are finished, a huge majority of the Senate will say this is not necessarily a question of war or peace.

This could be a question of whether an America armed for war, with the full knowledge on the part of Saddam Hussein that we are armed for war, and the President has the authority, might that bring about disarmament on the part of Saddam Hussein sooner than any other means that we know about thus far as we look at the Middle East and its various problems.

I ask unanimous consent to speak as in morning business on the American economy.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DOMENICI are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Virginia is recognized under the unanimous consent agreement for 15 minutes.

Mr. ALLEN. Madam President, I ask unanimous consent that I be able to speak for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Madam President, I rise to address the most pressing and difficult issue facing our Nation today. Over the course of the next few days, we will be debating in the Senate and we will vote on the most serious responsibility the U.S. Constitution delegates to Congress, which is authorizing the use of military force against another nation.

I have only been here for about a year and a half. I passed in the hallway the senior Senator from Virginia, John Warner, who told me, ''This is the first time you will have to do this.'' He said he has been through this experience seven times. I am sure he takes the same sort of care and consideration each time. But for me, this is the first time I have had to face such a question and such an issue as to where I stand.

It is my view the use of military force to resolve a dispute must be the last of all options for our Nation. Before entering into such a decision, it is absolutely necessary Government officials sincerely and honestly are confident they exhausted all practical and realistic diplomatic avenues and understand the short-term as well as the long-term ramifications and implications of such actions.

Exercising our best judgment based on the evidence of the threat, we must look at the consequence not only on the international community, but, more importantly, on the effect such action would have on the people of our country.

In considering the use of military action, my thoughts immediately turn to the people of the Commonwealth of Virginia. While the use of Armed Forces affects all Americans, it has traditionally had a significant impact on Virginia. The Commonwealth is home to literally tens of thousands of brave men and women who risk their lives to defend the freedoms we enjoy. The prospect of war places the lives of many of these men and women in jeopardy, and it means constant anxiety and fear for their families, wherever they may be based—whether in the U.S. or overseas, whether on land or on the seas.

I know from my experience as Governor how we rely heavily on the National Guard and Reserves whenever military action is necessitated, especially in the past decade. Military action will call up more Reserves and more of the National Guard when they are protecting our safety. It will disrupt those families and businesses and communities all across our great land.

This is not a decision I come to easily or without prayers for guidance and wisdom. The use of our Armed Forces means lives are at risk. The history of military action shows there are frequently unintended consequences and unseen dangers whenever the military is utilized. Fiscally, military action is expensive and can cause unrest both in the U.S. and international markets. When considering these outcomes, it is obvious using force to resolve the dispute is the least desirable and the last option for our country. But military action must remain an option for our diplomatic efforts to have any credibility or success.

I have listened and read comments from constituents and people all over this country, sincere words from the Religious Society of Friends and Pax Christi. They are well-meaning in pointing out their sentiments and the risks involved. However, we must weigh these risks and probable outcomes in the context of the threat Iraq poses to the U.S. and to our interests. I agree with the President, and the CIA, and the Department of Defense, and the State Department, that Iraq and Saddam Hussein's regime are a credible threat to the United States and our interests and our allies around the world. Because that threat is present and real, I believe the dangers will become substantially greater with continued inaction by the international community, or the United States acting in concert with allies.

The ''whereas'' clauses of the resolution we are debating effectively spell out good reasons, and reasons I look at for authorizing the President to use military action, if necessary. Saddam Hussein has continually, brazenly disregarded and defied resolutions and orders to disarm and discontinue his pursuit of the world's worst weapons. To bring an end to the Gulf War and Saddam's violent attempt to occupy Kuwait, the Iraqi leader unequivocally agreed to eliminate chemical, biological, and nuclear weapons programs, as well as putting severe limits on his missiles and the means to deliver and develop them. Since that armistice was reached in 1991, it has been consistently and constantly breached by Saddam's regime, and has not been enforced at all by the U.N. for the past 4 long years.

Can one imagine a nuclear weapon in the hands of Saddam Hussein? Let's not forget this is a head of state who has demonstrated his willingness to use chemical weapons on other nations and his own citizens with little or no reservation.

If the current Iraqi regime possessed a nuclear weapon, it would drastically alter a balance of power in an already explosive region of the world. Such a capability would renew Saddam's quest for regional dominance and leave many U.S. citizens, allies, and interests at great peril.

This man has no respect for international laws or rules of engagement. I share President Bush's fear that increased weapons capability would leave the fate of the Middle East in the hands of a tyrannical and very cruel dictator.

Most dangerous, currently, is not his desire to have nuclear weapons, but stockpiling of chemical weapons, the stockpiling of a variety of biological weapons; and also his missile range capabilities, that far exceed U.N. restrictions.

There is another concern not only that he has stockpiled biological and chemical weapons and the means of delivering them, but also the justifiable and understandable fear that he could transfer those biological or chemical agents to a terrorist group or other individuals. After all, Saddam Hussein is the same heartless person who offers $25,000 to families of children who commit suicide terrorist acts in Israel.

The goal of the United States and the international community needs to be disarmament. Saddam Hussein must be stripped of all capabilities to develop, manufacture, and stockpile these weapons of mass destruction, meaning chemical, biological agents, and the missiles and other means to deliver them by himself or by a terrorist subcontractor.

If regime change is collateral damage of disarmament, I do not believe there

is anyone in the world who will mourn the loss of this deposed dictator. True disarmament can only be accomplished with inspection teams that have the ability to travel and investigate where they deem appropriate. To ensure they have full access to inspections is a key component of what the President of the United States is trying to get the United Nations to do.

We are trying to get full and unimpeded inspections. It would be appropriate for us to say noncompliance would result in forced disarmament.

The U.S. and the world cannot afford to have this mission undermined by wild goose chases and constant surreptitious, conniving evasion and large suspect areas being declared by Saddam to be immune from inspection.

I commend President Bush for recognizing the importance of including all countries in this effort. His statement to the United Nations on September 12, 2002, clearly and accurately spelled out the dangers Iraq poses to the world. By placing the onus on the United Nations, the President has given that international body the opportunity to re-establish its relevance in important world affairs, and finally enforce the resolutions that its Security Council has passed for the last eleven years.

Passing a new resolution will increase the credibility of the United Nations, which has steadily eroded since the mid 1990s. The Security Council has an obligation to provide weapons inspectors with the flexibility to accomplish their mission. This can only be realized if a resolution is passed with consequences for inaction or defiance.

That is why as the United Nations debates a new and stronger resolution against Iraq, the United States must be united in our resolve for disarmament. Passing a resolution authorizing our President to use military force in the event that diplomatic efforts are unsuccessful sends a clear message to the international community that Americans are united in our foreign policy.

I respectfully disagree with the premise that the President must first petition the United Nations before asking Congress for authority. I question: How can we expect the United Nations to act against Iraqi defiance if the U.S. Government does not stand with our President and our administration's efforts to persuade the United Nations and the international community to enforce their own resolutions?

It is right for us to debate the resolutions before the Senate, to voice concerns and sentiments in support or opposition. Each Member will take a stand and be accountable, and when the debate concludes, I respectfully ask my colleagues, when a resolution is agreed to, stand strong with our troops, our diplomats, and our mission. From time to time, one sees elected officials who moan in self-pity about having to make a tough decision that may not be popular. Well, I know the vast majority of the Senators, regardless of their ultimate position on this issue, can make tough decisions with minimal whimpering. Senators have all been elected by the people of their States to exercise judgment consistent with principles and promises.

As the Senate debates the merits of each resolution, it must be prepared for the possibility of continued inaction by the United Nations. Americans cannot stand by and cannot cede any authority or sovereignty to an international body when the lives and interests of U.S. citizens are involved.

I believe it would be a grave mistake for the United Nations to shirk its responsibility regarding Iraq; however, a consensus might not be reached with all nations on the U.N. Security Council. If that circumstance arises, the United States and the President will have a duty to garner as much international support as is realistically possible.

Blissful, delusional dawdling, wishful thinking, and doing nothing is not an option for the United States. However, continuing the diplomatic work in face of the Security Council veto is necessary not only for diplomacy, but to gain allies to help shoulder the logistical and operational burdens that would be a part of any military campaign.

It is true the United States can disarm Saddam Hussein alone. However, as we continue to pursue the venomous, vile al-Qaida terrorists and other terrorist supporters, we would greatly benefit from allied support in these extended efforts. I believe we will see more allies join this effort to disarm Saddam Hussein's regime. Britain will not be our sole teammate in this effort. As other countries begin to understand the severity of the threat, they will recognize it is in their best interest to disarm Iraq.

The UK along with Spain, Italy and some countries from the Middle East have supported our position. Kuwait, Qatar, and the Saudis have also indicated that maybe they will not send troops in, but have offered logistical bases that would be helpful for our tactical air strikes.

We do not want to make this a war against a particular group or certain religious beliefs. We must guard against any rhetoric or statement that is targeted against Muslims or Arabs. Our mission is to protect the United States, its allies, and interests by upholding internationally agreed-upon resolutions to disarm Iraq of biological, chemical, nuclear, and missile technologies. I urge the President to make absolutely clear that in the event we have to seek support from allies, that we continue to do so in the Middle East.

As a member of the Foreign Relations Committee, I have participated in committee meetings and top secret briefings and analyzed this issue very closely, and with questions. After reviewing the several resolutions offered by our colleagues, I believe the best way to provide the President with the authority and the support he may need is by passing the authorization for use of military force against Iraq.

This resolution, introduced and offered by Senator WARNER and Senator LIEBERMAN, as well as Senator MCCAIN and others, gives the President the authority and flexibility to ensure the protection of the United States. I am particularly pleased that the resolution will task the President with determining that diplomatic means will not adequately protect the national security of the United States. This determination will ensure the United States is exhausting every diplomatic option before authorizing the use of our Armed Forces.

I refer to section 2 on page 7 of the resolution and those clauses therein: Where the Congress of the United States supports the efforts of the President to strictly enforce United Nations Security Council resolutions applicable to Iraq and encourages him in those efforts. It also encourages the President to obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion, and noncompliance, and promptly and strictly complies with all relevant security resolutions.

I interpret this as also, in dealing not just with the United Nations, but also garnering allies in the process.

I will continue to listen intently to the debate on all the resolutions regarding Iraq. However, I truly and sincerely believe that Senate Joint Resolution 46, which I referenced earlier, will provide a sense of the Senate that the Congress, and most importantly, in our reflection in representation, a reflection that Americans are united behind our President and we support efforts to garner allied and U.N. support in the event that diplomatic options fail to disarm Saddam Hussein.

We all know that Saddam Hussein is a vile dictator with regard for only his own survival. He compromises the well-being of all Iraqis in his efforts to maintain power and accumulate wealth. History shows the Iraqi leader only responds when there is a gun put to his head. Sweet talking will not do any good with this man.

Now we are seeing this phenomenon play out as he allows weapons inspections to resume only after intense, consistent pressure from the international community. But even then what we are seeing again is the same shell game of conditions and prevarications that led to the departure of inspectors 4 years ago. We must not allow him to continue with these ploys of deception.

I do not believe any American welcomes the prospect of deploying our brave men and women for military action. However, standing strong and united as a country, together with our President, our diplomats, and our defense forces, and in favor of congressional authority to use force if it is absolutely necessary, is the best way to ensure Saddam Hussein is disarmed and military conflict is actually avoided.

The greatest responsibility of this Government and its officials is to protect and ensure the national security of the United States and our citizens. We know Saddam Hussein poses a threat to our country, and it is incumbent upon every Member of this body to help neutralize that threat. I am hopeful this problem will be resolved peacefully, through international diplomacy. But in the event those efforts fail, I do not want our President to be hobbled without the authority to protect the citizens of the United States of America.

Therefore, when my name is called, I will stand with President Bush, stand with our diplomats, stand with our troops and support this serious and necessary resolution, which is designed to save innocent American lives.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Madam President, I think this is one of the most serious issues I have ever addressed on this floor, and I thank Lindsay Hayes and Karina Waller, who are with me today, for their help in preparing this statement.

There are few of us still around who lived through events which led to World War II. I was in high school, as a matter of fact, and I studied Hitler's actions month after month in history class. I vividly remember watching the world appease Hitler while he pursued an aggressive military policy aimed at dominating the world.

The current situation reminds me of the agreements we studied in high school which were made after World War I. Hitler just waved them away. When Hitler flaunted the terms of the Versailles Peace Treaty, France and Britain did nothing to enforce it. When Hitler occupied the Rhineland and the Anschluss in Austria, no nation tried to stop him. Instead, the world repeatedly gave into an obnoxious, aggressive leader to avoid war.

When I was a senior in high school many of my friends left school to enlist. I left Oregon State College in December of 1942. Only seven of us in the Senate today served during World War II, but as one who fought in China, the ''Forgotten War,'' I see the next Hitler in Saddam Hussein.

Senator WARNER, Senator INOUYE, Sam Nunn, and I also experienced the horror of the gulf war firsthand. In 1991, in an Israeli defense conference room we were told a Scud had been fired at Tel Aviv, which is where we were, and it could be carrying chemical or biological agents. Gas Masks were passed around the room and we waited about 20 minutes before being told that the Scud had fallen. The next morning we went to locate the Scud and found that it had been grazed by a Patriot missile. It had hit an apartment complex.

This was quite an interesting experience to Senator INOUYE and I because several years before this incident Senator DAN INOUYE and I had demanded that the anti-aircraft Patriot be modified to become an anti-missile system, and we were in Israel witnessing the use of that Patriot system.

Over 20 years ago, the Israelis saved the world a great deal of pain when they destroyed the Iraqi nuclear reactor. That action delayed an Iraqi bomb by at least 15 years, and that raid also made Hussein more cautious. Today he has spread out and carefully concealed his military-weapons infrastructure to make destruction of those weapons more difficult.

We seek peace.

We abhor war.

We work to assure our military capacity is second to none because we believe in this new world no nation has time to re-arm. We must be ready instantly to defend our interests at home and abroad or perish.

Our President is right to shake Hussien's cage. The Middle East is a tinder box, but only one nation has the ability to ignite the entire world, and that is Iraq.

Saddam Hussein cannot be allowed to expand beyond his borders again and he cannot continue developing weapons of mass destruction.

President Bush has an important role as the leader of the free world as he repeatedly states there is a menace in Iraq and it is growing.

This is the most serious situation we have faced since World War II.

Since the end of the Persian Gulf war, our forces have been enforcing the United Nation's mandate that there should be two no-fly zones in Iraq. Our planes fly patrols for the United Nations, over those no-fly zones daily and have been shot at almost every day. We cannot allow this continued risk to the lives of our own pilots.

The threat of weapons of mass destruction was real during the Persian Gulf war. It is even more real today. Five years ago, weapons inspectors were forced out of Iraq. Based on classified briefings I have received I have no doubt that Saddam Hussein has used this opportunity to expand his weapons program.

Iraq has not accounted for hundreds of tons of chemical precursors and tens of thousands of unfilled munitions canisters. It has not accounted for at least 15,000 artillery rockets previously used for delivering nerve agents or 550 artillery shells filled with mustard gas. When inspectors left Iraq in 1998, the regime was capable of resuming bacterial warfare agent production within weeks. Hussein has had time to produce stockpiles of anthrax and other agents, including smallpox, and he is not afraid to use these weapons.

He has used weapons of mass destruction against Iranians, against his own people, and, I believe, against some of our military in the gulf war.

When Hussein begins blackmailing his neighbors and using his resources, The world will face an impossible situation. If Hussein's weapons program continues unchecked our allies—his neighbors—face an unconventional threat of immense proportions—a threat more horrible than all Hitler's legions.

The President needs our support to form a coalition that can confront this crisis. We must grant President Bush the same powers that Congress has given his predecessors.

We must pass this resolution now or our children, or our grandchildren, are going to shed a monstrous amount of blood to deal with this threat in the future.

Hussein will use these weapons if he is not stopped now. He will become a Hitler. He will continue as Hitler started—dominating one country after another. With the weapons he has, he need only to threaten their use, or to use them as he did in Iran. Then ours will be a terrible dilemma: how does the world deal with a madman who has weapons against which the world cannot defend?

If any Senator has doubts about this resolution, I ask them to ask themselves this question: is Saddam Hussein really ready to become part of the family of nations again? Can anyone on this Senator floor answer that question ''Yes''?

The U.N. has told Hussein that he must disarm 16 times. Sixteen times he has defied that body. He has lied. He has not once complied. Between 1991 and 1998, Iraq practiced a series of deceitful tactics designed to prevent U.N. inspectors from completing inspections. The same course of action will bring the same results.

As I have traveled at home, I am often asked ''How do we know Hussein is so bad?'' Our intelligence agencies have developed an enormous amount of evidence on his activities, his use of weapons of mass destruction, and his lies and deceptions. Unfortunately, this information is mostly classified to protect sources and methods by which the information was acquired.

As one of the Senate who is briefed on a regular basis I believe our intelligence agencies understand the nature of the threat Iraq poses. However, while it is likely that Iraq has large amounts of biological and chemical weapons, our knowledge of their ability to deliver those agents against long-range targets outside of Iraq is limited.

To assure the formation of a coalition to contain Hussein, we must pass this resolution.

The President must have this authority. We want the U.N. to demand full inspections before this threat becomes even greater. This Congressional authorization to use force if necessary will send a message to the United Nations: Congress is united. We stand behind our Commander in Chief.

In 1945 the world community gathered together to denounce the atrocities committed by Hitler and form the United Nations. That action made a commitment to protect succeeding generations from the scourge of war

and promised such horrors would never again take place. Now it is incumbent upon the United National to fulfill that promise. The U.N. must send a message that the international community will not tolerate regimes which commit genocide against their own people, employ weapons of mass destruction against other countries, and harbor terrorists.

The world community must confront this Iraqi threat. This resolution gives the President the support he needs to convince the U.N. to join in building that coalition.

United States policy must be clear. Should the United Nations fail to live up to its promise, this resolution authorizes the President to take the necessary steps to protect the United States and ensure the stability of the world community.

With this authority the President may state clearly to members of other nations: Are you with us? Do you support our determination to face this threat now?

We are not alone, Great Britain and other nations are already supporting our President.

A new history of international courage can be written now. This generation need not endure a long and bloody world war if our leaders stand together and state clearly: the world will not condone defiance and deception, we will not allow a dictator to rise from the ashes of defeat to menace the world with awesome weapons.

I support our Commander in Chief.

I shall vote for the administration's bipartisan resolution.

Our Nation is the last real superpower. The burden of that status is that every nation in the world must know we will use our military force, if necessary, to prevent tyrants from acquiring and using weapons of annihilation.

It is my belief that with this authority President Bush may prove that determination to the United Nations and there will be a coalition that will bring peace through strength to the Middle East.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Virginia.

Mr. WARNER. I thank our distinguished colleague from Alaska. It was very helpful for him to make references to his knowledge of the pre-World War II days. He had a very distinguished career in World War II as a member of the Army Air Corp and as a pilot. I had a very modest one at the tail end, just in training, in the Navy. But both of us remember that period very well.

The Senator emphasized quite forcibly the need for the United Nations to face up to this. Having lived through that period, we remember the League of Nations. We remember the blatant attack by the Italian military under the leadership of Mussolini against then Abyssinia, now referred to as the nation of Ethiopia, and how the league began to look at that situation, and look at it and look at it and look at it and did nothing, and then the aggression during the attacks by Japan on China.

The Senator recalls these periods in history. Eventually the league went out of business. It fell into the dust bin of history and in some small vestige was absorbed into the United Nations.

I have a strong view, and I think our President has made reference to this, that unless the United Nations lives up to its charter and assumes the responsibility of enforcing its own Security Council resolution, that organization, too, could fall into the dust bin of history, not unlike the League of Nations.

Does the Senator share those views?

Mr. STEVENS. I certainly do. I share deeply the views of the Senator from Virginia. It does seem to me that we should have learned a lesson from the period of World War II. It took a terrible attack upon Pearl Harbor to bring us to the point where we were willing to enter that war. Our Nation was part of the group trying to brush Hitler under the rug, thinking somehow or another this would go away. But President Roosevelt, to his great credit, had the courage to stand up and try to find ways to help those who were willing to stand in Hitler's way.

Now is the time to recognize that once a person becomes President of the United States and becomes Commander in Chief, there is an awesome responsibility, and particularly after the events of September 11 of last year, we have to recognize that as Commander in Chief he needs our support. Politics in my mind has always stopped at the water's edge. We ought to be united behind our President when he is dealing with problems such as Saddam Hussein. We certainly ought to be united in terms of voicing the sentiment that the United Nations must stand up and be counted this time.

Sixteen times. How many times does he have to go to the well before he finds out that he must comply with these U.N. mandates? There is enough evidence out there now that Saddam Hussein has failed to comply with the mandates that give rise to a world coalition to contain him. We thought we already had.

We have our Coast Guard stopping ships going into the station. We have pilots flying over the two no-fly zones every day. And on the ground he has palaces all over the place and will not let anyone know what is in them.

Mr. WARNER. Might I add that those pilots to whom the Senator referred, American and Great Britain, were shot at 60 times in just the month of September alone and they have been at it now for over a decade. It is the only enforcement of any resolution undertaken by any of the member nations. It is the United States, Great Britain, and at one time France. They have now discontinued. That is the only enforcement of any resolution.

Mr. STEVENS. I have spoken to those young pilots at the Prince Sultan airbase in Saudi Arabia and at our offices in Kuwait and even in London. Many of our own pilots who flew those missions day in and day out did not reenlist. They just got tired of the stress of flying over the no-fly zone and being shot at daily by missiles that are capable of downing their aircraft.

Thank God we have some of the systems to defend against those missiles, but the U.N. has absolutely had blinders on. They have not even seen that. Both British and American pilots are shot at daily by this person. Why? Because they are flying over no-fly zones. They have every right under international law to be there because Saddam Hussein agreed they could be there.

Mr. WARNER. In writing.

Mr. STEVENS. In writing.

He is shooting missiles at them every day.

It is high time we did away with that concept that the area of Baghdad is off limits. If they down an airplane, I don't think there is any question in the world we should declare war against them because he has violated the United Nations agreement he entered into himself. The idea of allowing him to shoot at pilots day in and day out with impunity is totally beyond my comprehension.

Mr. WARNER. The purpose of this resolution is to prevent a pilot from being downed. If we are resolute in this Chamber, if we clearly show, not only to the American public but to the whole world, that we stand arm in arm with our President, no daylight between us which can be exploited by Saddam Hussein and perhaps weak nations—if we are arm in arm, it is the extent to which this United Nations is more likely to fulfill its obligations under the charter and, hopefully, devise a resolution which can bring about an inspection regime which has teeth in it this time, and make it very clear if Saddam Hussein's regime does not live up to it, then member nations such as ours and others in the coalition can utilize and resort to force.

Mr. STEVENS. Mr. President, the Senator is absolutely correct. The real problem is until the members of the United Nations know we mean business, they are not going to come and join a coalition. It takes money, it takes time, it takes commitment, it takes internal debates like this in every democracy. But the necessity is there for us to tell the world we are ready. We are ready to bring an end to this man's deceitful action against the world. But until we do, who is going to join a coalition until they know the superpower is really in there? We have to put our money on the table first. We have to put our hand out there to anyone who is ready to join this coalition, to say: We are there. Are you with us or not? If you are not, then you are not part of history, as far as I am concerned. History will read the nations who stood together and stopped Saddam Hussein, saved the world, as well

as those who joined with us in World War II saved the world.

I think this threat is even worse, though, than the one we faced. It is the most awesome thing possible, the more I learn about these weapons he has, weapons of mass destruction that can be deployed and used in so many ways. To think a person is there who has been willing to use them against Iran, against his own people, the Kurds. I still believe some of the problems our people had in the Persian Gulf war came from his testing some of those weapons. There is no question in my mind.

Mr. WARNER. My colleague is absolutely right. Now with the transportability of some of those weapons of mass destruction, and if he were to place them in the hands of the international terrorist ring—I don't say he hasn't done it already. We don't have the specific knowledge—that is an imminent danger to the United States.

But you concluded on history. I would like to read one brief statement. June 1936, Haile Selassie, Emperor of Abyssinia—Ethiopia today—in an appeal to the League of Nations.

> I assert that the problem submitted to the Assembly today is a much wider one. It is not merely a question of the settlement of Italian aggression. It is a collective security. It is the very essence of the League of Nations. It is the confidence that each state is to place in international treaties. It is the value of promises made to small states that their integrity and their independence shall be respected and ensured. It is the principle of equality of states on the one hand, or otherwise the obligation laid upon small powers to accept the bonds of vassalship. In a word, it is international morality that is at stake. Do the signatures appended to a treaty have value only insofar as the signatory powers have a personal, direct and immediate interest involved?

The rest is history. The League did nothing but debate and debate and did nothing. And this country perished.

We are at that juncture now, I say respectfully to the United Nations. Will they fall into the dustbin of history as did the League?

I thank my colleague.

Mr. STEVENS. Mr. President, the Senator and I are of another generation. There is no question about that. I never thought I would live to see the day I would say there is no question in my mind this is a greater threat than what we faced when we were young. But we had time. There was time to adjust. Even in the Persian Gulf war, we had time to take the actions that were necessary to evict Saddam Hussein's likes from Kuwait.

But now it is not a matter of time. I am convinced the clock is ticking on the world as far as this threat is concerned. These are weapons of mass destruction. Even one of them should lead a person to have some fear. The only thing we can do is to join together with the world.

Someone said to me the other day we can't do it alone. Whoever said that is absolutely right. This is not something one nation can do alone. But this is something where one nation can lead. That is what is happening right now. We must lead. We must form this coalition, and we must convince the U.N. to be a part of that coalition and to be firm. And this time—this time, to know either they enforce those mandates that come from the U.N., or we will lead the world to enforce them. It must be done.

Mr. WARNER. Mr. President, we thank our colleague. The advancement of technology is what makes things different. The advances of technology are what underlies this doctrine of preemptive strike, which our President says must be addressed now, not only by our Nation, but other nations that wish to protect themselves and their own security. That is a very important issue, and I give great credit to this President for having the courage to bring to the forefront of the world—not just the United States, but the forefront of the world—the threats we face with now rapid technology and the development of weapons of mass destruction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I want to praise my two learned, worthy colleagues who have done so much through the years to make sure our country is free and many areas of the world are free as well. I want to associate myself with their remarks.

I was particularly impressed with the remarks of the distinguished Senator from Alaska, whom we all revere and respect, and, I might add, particularly with the remarks of the distinguished Senator from Virginia. I was very aware of the Abyssinia problem—now we call it Ethiopia. I think his point is well taken. I would just like to associate myself with the remarks of both of my dear colleagues.

I ask unanimous consent I be allowed to use such time as I need.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, this week, as we know, we debate the most serious topic Congress can ever face, whether we will authorize the President to use force to address a looming threat to our national security. Right here and now I wish to say I will support this President, should he determine we need to deploy the military of the United States to force Iraq into compliance with the resolutions of the international community requiring it—transparently and permanently—to disarm itself of weapons of mass destruction.

If this requires the removal of Saddam Hussein from power, as I believe it will, I will support this President's policy of regime change, and I respectfully urge my colleagues to join me. It may be early in our Senate debate on this resolution, but we have been discussing our policy options for years. The President and his advisers have regularly consulted with us, with our allies, with the international community, and with the American public. As a result, I believe this administration will act with a coalition of willing nations, fully within the boundaries of international law, with the support of this Congress, and with the support and prayers of the American people.

I am honored to have served the people of Utah for 26 years. Utahans are a patriotic people. Almost all, Republicans and Democrats, will support the President of the United States when he makes his final determination the vital interests of this country are at risk and we must take military action to protect those vital interests. Tonight the President will make that case before the American people, and we will all listen intently to his words.

As a Senator who represents the interests of Utah but also the interests of our country, I know a decision on the use of force is the most serious consideration I can make because the costs may be measured by the ultimate sacrifice of good Americans. I make this decision with the deepest of study and prayer, and I offer my prayers to support any President who must make such a final decision.

President Bush has acted conscientiously and openly in determining his administration's policy toward Iraq. I do not understand criticisms of this administration as being secretive, unilateral, militaristic, and uncooperative. From my perspective, none of these adjectives represent an objective reality. President Bush has warned us of the threat from Saddam Hussein's Iraq since he stepped into the national spotlight during the Presidential campaign. I was there. He has been expressing what most observers, expert analysts, and honest brokers have long recognized.

Iraq has broken all of its pledges to cooperate with the international community and disarm;

Iraq has refused to allow international inspectors since 1998;

Iraq has never completely accounted for materials used for weapons of mass destruction, specifically biological and chemical weapons, since its defeat in 1991;

Iraq has violated every U.N. resolution passed since 1991;

Iraq has repeatedly fired on U.S. and allied aircraft patrolling the northern and southern ''no-fly'' zones;

Saddam Hussein has continued to threaten his neighbors and has never ceased his hostile rhetoric toward the United States;

And, Iraq has never proven to the international community that it has abandoned its pursuit of nuclear weapons.

In fact, as a member of the Senate Select Committee on Intelligence, I can tell you Iraq has never really abandoned that.

Charges that the President has been unilateralist are completely unfounded. The pace of diplomatic activity conducted by administration officials in the capitals of our friends and

allies, as well as in Geneva and in New York, is as active as any administration's diplomacy in modern times. Every day there is another respectful consultation, as the President's Secretaries of State and Defense, and the National Security Adviser's team, have repeatedly demonstrated.

The President's speech before the United Nations 1 day and 1 year after September 11 was the most eloquent and forceful presentation of a U.S. President before that body.

His appeal was ethical and it was logical. He stood before the body of the international community and he said:

> The United States stands with you behind the resolutions that are the core reason for this body's existence.
>
> If this body is to mean anything, the President logically implored, then this body must stand behind the resolutions that Iraq is flaunting today.
>
> Never before has a President made such a dramatic and persuasive appeal before the U.N.
>
> Never before has the U.N. been confronted with such a clear choice: Stand by what you say . . . . . or stand aside in irrelevance.

The President has consulted with every Member of Congress, and with most of us many times.

His representatives have dutifully and constructively testified before numerous of our committees, and they have always been available for more discussions when needed.

While the Constitution gives the foreign policy-making prerogative to the executive branch, I have always thought it sound judgment that a President voluntarily seek support and authorization from the U.S. Congress.

Clearly, that is what this President has done with numerous consultations over the past weeks, including discussions that have culminated in this resolutions we will debate this week.

This administration has respectfully included the public in this most serious of deliberations. Virtually all of these presentations, testimonies, and speeches have been done in the public eye.

While a few congressional briefings have had to be conducted in closed settings due to the necessary review of classified materials, the arguments and most of the evidence for the determination of this administration's policy on Iraq have been there for the public to judge.

The President's speech tonight will crystalize for the American people the important decision before us.

In the past 2 weeks, there have been a few partisan eruptions.

I believe we should never shirk from debate, and I believe that the matters of war and peace must be thoroughly debated as long as we recognize that, in the world of human affairs, there is no perfect wisdom, particularly of how the future will unfold.

But let us not presume there are limits to good faith.

There is not a single Democrat or Republican who glibly supports a decision that may have the consequence of shedding blood.

And there is no Democrat or Republican who would ever seek to jeopardize the national security of this country by refusing to engage a threat that is looming.

The decision to go to war cannot, must not, ever be a function of politics.

In 1996, I warned that Osama bin Laden was a threat to this country. Bin Laden's activities had been of concern to a few prior to this. But, in that year, a number of interviews and articles with this man led me to conclude that he had large and evil intentions. I believed that he would distinguish himself from other terrorists by taking his grievances out of his homeland and his region and that some day—at a time we could not predetermine—he would be a threat to this country.

I cannot raise this point with any pride. I warned about bin Laden, and many good people in the intelligence and law enforcement agencies began to respond to this growing threat.

For reasons the historians will someday study, based in part on the inquiries we have already begun, we did not stop bin Laden. And he brought the terrorism war home to us.

Two years later after I first warned about bin Laden, he attacked two U.S. embassies in the same morning, destroying buildings, and killing American diplomats and their families, as well as hundreds of Africans in Nairobi and Dar es Salaam.

A few days later, the President addressed the Nation, telling us he had responded to the Africa attacks by bin Laden with cruise missiles against Sudan and Afghanistan.

While some raced to criticize him for ''wagging the dog'' trying to distance himself from the unfolding drama of his personal troubles I personally spoke out and approved of the President's initiative.

I was in Salt Lake at the time. Because I had raised bin Laden so many times and had become thoroughly involved in trying to help the President with some of his problems, they interviewed me there, and I said at that time that he did the right thing, but I also said he should follow up and not just do it once.

We were attacked and the U.S. had to respond, because if we did not respond, our passivity would invite further attacks.

I also urged the President not to let that be a single set of strikes. I knew that any response we made short of eliminating the threat of bin Laden would embolden bin Laden.

Since the days after September 11, I have often thought of those key moments in the late 1990s. I do so not to cast blame. The lives lost in New York, at the Pentagon, and in that Pennsylvania countryside will always be a reminder of how we failed to anticipate, failed to respond, failed to eliminate a threat we knew was out there.

But let these not be lessons lost.

The lives lost in New York, Washington, Pennsylvania, and in our campaign in Afghanistan demonstrate that if we are not prepared to engage an enemy before he strikes us then we must accept that we will pay a cost for pursuing him afterward.

To me and to many Utahns and citizens throughout the Nation, the lesson of September 11 is: do not wait for your enemy to attack—especially when he has access to weapons of mass destruction.

If you have evidence of your enemy's capabilities and with Saddam Hussein we do and if you have evidence of his enmity and with Saddam Hussein we do—then do not err on the side of wishful thinking. With enemies with the destructive capabilities of Saddam Hussein, we must be hard-headed.

The administration has argued that Saddam's Iraq poses a threat, a threat that must be eliminated. If we cannot eliminate the threat of weapons of mass destruction through coercive, thorough and comprehensive inspections backed by the threat of force supported by the international community—then the U.S. must seek to build our own coalition of willing nations to disarm Iraq by force and allow for a regime that will replace Saddam and return Iraq to the community of nations.

I believe the President should continue to work with the international community to seek ways to disarm Iraq short of military intervention. Military force should never be our first course of action.

But I will not support a resolution that conditions our authorization on actions by the United Nations.

Such a move would set a precedent over sovereign decisions conducted by this country to defend its national interests.

Supporting such language would, in my opinion, infringe upon the constitutional prerogative that resides with the President to conduct and manage the Nation's foreign policy.

Congress must resist attempts to micromanage a war effort.

The resolution we debate today is an authorization. But, the timing and modalities of action need to be—and must be controlled by the administration, with consultation wherever possible, so long as that consultation does not hamper the war effort.

Traditional geopolitics requires us to think about national security in categories of our interests.

Our vital interests are defined as the security of our homeland and our way of life; we must defend them at any costs, and we must be willing to defend them alone, if necessary.

There are areas of vital national interest to this country, that if they were threatened or succumbed to hostile control, would jeopardize our homeland or our way of life.

They are: the Western Hemisphere; Japan; Europe; and the Persian Gulf.

Saddam Hussein continues to threaten the stability of the Persian Gulf. From this perspective, I believe that the frightening capabilities of

Saddam's chemical and biological weapons pose a threat to the region, and to the stability of the Gulf, and therefore to our vital national interests.

In addition, nontraditional geopolitics recognizes that international phenomena other than nation states must be considered when assessing the national security of the United States.

Terrorism is the number one non-traditional threat to the U.S. today. This may seem obvious after September 11. It was not obvious enough before September 11.

The American people know that we are at war with al-Qaida.

The American people recognize that never again can we be complacent about threats to this country and our interests.

And the American people understand that this war on al-Qaida cannot be used as an excuse to ignore other grave threats, such as the threat that Iraq continues to pose.

We should not assume that Saddam Hussein will politely stand in line behind al-Qaida.

With the questions remaining about Iraq's weapons of mass destruction, with too many suggestions of Iraq's ties with terrorists, and with no question about Iraq's animosity to the United States, and other countries as well, including many in the Middle East, should the United States consider an option of doing nothing, or too little, as we did with al-Qaida before September 11?

Perhaps, as a result of the diplomatic pressure building on Saddam Hussein in recent days, his regime will comply with a forceful and comprehensive international inspection regime.

However, we should not for a single moment forget Saddam's history of obfuscation and delay. His record of noncompliance is 100 percent. Any inspection regime which we agree to support must complete the actions required in all Security Council resolutions, including the ones being drafted now, that would demand compliance with inspections or face the use of force.

Some have suggested that a war on Iraq would be the beginning of a radical doctrine of preemption—that we are now setting a precedent for unilateral military action against regimes that we find odious.

The idea of ''preemption'' is as old as Grotius, the father of international law, who wrote in the 17th century.

U.S. policymakers have never foresworn the option of preemption, and have never seen the U.N. Charter as restricting the use of preemption in the event of a threat to our national security. There are many examples of this thinking in both Republican and Democratic administrations.

Recall that U.S. nuclear doctrine never adopted a no-first-use policy.

Nor is the policy decision we are facing today opening up a new, militaristic, and unilateral approach to dealing with other countries with which we have conflicts.

Some have suggested that, if we authorize the use of force against Iraq, we are automatically implying that we support the use of force against the other two countries in the ''axis of evil'' termed by the President.

Today, the administration is using diplomacy to control the ongoing confrontation on the Korean Peninsula.

And while Iran remains a geopolitical threat, as it continues to fund terrorists operating in the Middle East, and is extending its influence in Afghanistan, the political foment within Iran is also providing a challenge to that Islamic fundamentalist dictatorship, as more and more Iranians seek to overthrow their corrupt and repressive tyranny.

Despite some leftist revisionist histories, America has always been reluctant to use force overseas. As a democracy, we are imbued with values of caution and respect for human rights, reluctance and a desire to let other nations choose their own paths.

But the world changed for us on September 11, 2001.

The American people are patient, but we should never let that patience be used against us. As the President has said, if we are to wait until we have definite proof that Iraq intends to use weapons of mass destruction against us, then it may be too late.

For too long, we were hesitant to attack al-Qaida, presuming that they would never dare to attack us in the heart of our financial center, at the core of our defense establishment, in the openness of our commercial airways. We were wrong.

Can we accept the consequences of being wrong with Saddam Hussein's Iraq?

If this Congress authorizes the use of force, and if the President concludes that force is the only option in removing Saddam Hussein from power and disarming Iraq of weapons of mass destruction, then I believe that every member of this body will fully support our President and our Armed Forces.

Iraq has been in a dangerous geopolitical limbo since Saddam Hussein was ejected from Kuwait in 1991, and then left to oppress his people over the ensuing decade.

If the United States must act to remove Saddam Hussein, we must be committed to help reconstruct Iraq. This will take sustained policy focus. The U.S. will, once again, pay for a large portion of the costs of war. We would expect our allies to pay for a large portion of the reconstruction.

U.S. policy must commit to the long-term stability of Iraq. We must work with the various Iraqi ethnic groups to build their own vision of a tolerant, educated, modern Iraq. Many of the Iraqi people have a history of valuing education, modernity and multiethnic society. We must commit to staying in Iraq until the basic institutions that will provide long-term stability are built.

A stable, tolerant, modern Iraq may transform the Arab Middle East. Other traditional states will have to explain to their own peoples why they hesitate to grant democratic rights and privileges, basic human rights, and respect for women, if an Iraqi government were to arise from the repression of Saddam to blossom as an example of tolerance and modernity.

If we commit to the liberation of the Iraqi people, and we assist them in rising out of decades of Saddam Hussein's depredations, the whole world will be able to see that the Arab world is not predestined to tyranny, radical regimes, anti-Western hatred, willful ignorance.

I believe that this is President Bush's vision. The President understands that the use of force against Saddam Hussein—if it comes to this—will be the beginning of the end—not just of that dictator's brutal reign, but also of nearly a century of Arab despotism.

I pray that Saddam Hussein capitulates to the international community and allows unfettered and comprehensive inspections, and that he removes himself from power or is removed by some brave Iraqi.

But if we are not so fortunate, I pray Godspeed for our men and women in the military when they, once again, go beyond our shores to protect those of us within them.

Mr. President, I again thank our very fine leader on our side and others on the other side for their efforts in this regard, for the support they have for this country, for our President, and for doing what is right.

I personally respect the distinguished Senator from Virginia very much. I have watched him through the years work with both sides, trying to bring people together and to accomplish the best things for our country. I personally express my respect for him here today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank our colleague for his kind comments, and also for his important statement he has delivered to the Senate.

I want to pick up on one thing that the Senator mentioned, and there has not been as much discussion as yet on this subject. It is a very important one.

The President has repeatedly said the use of force is the last option. But should that be taken, and there be force used by presumably our country, Great Britain, and hopefully others in the coalition, then the responsibility devolves upon those nations, primarily those who use force—again, hopefully, the United Nations would take a strong role, but that remains to be seen—in trying to reestablish, for the people of Iraq, against whom we hold no animosity—the people—a nation bringing together the factions in the north, the Kurds, and the Shi'ites in the south, and hold that country together.

But I find, in studying, as my astute colleague will undoubtedly believe, as we look at the situation in Kosovo, we

had to come in there with other nations and help establish the economy, and we are still there. Indeed, in South Korea, how well you know we have been there now over 50 years.

It seems to me there are several points with regard to Iraq which differentiate the responsibilities of our Nation and other nations following such hostility, as hopefully will not occur, but should they occur; that is, Iraq, at one time, was an absolute extraordinary nation, a nation of well-educated people, a nation which had a number of natural resources, primarily petroleum, from whence to gain a revenue flow.

So far as I can determine, much of that infrastructure of intellectual people and well-educated, hard-working people and, indeed, the oil that is present there, once it is properly cared for and put in the competitive world market, it seems to me that the dollars involved would be, comparatively speaking, much less because of the natural resources, and the problem of reconstructing a government, hopefully, would not be as challenging as maybe some say because of the presence of such a fine citizenry, almost all of whom, not all, have been severely depressed by Saddam Hussein and the brutality of his regime.

Does the Senator share those thoughts?

Mr. HATCH. I do. Our intelligence shows that the Iraqi people know they are repressed, that there are many of them who wish things would change, but there is such repression that they are afraid to strike out, afraid to speak out, or afraid to react in ways other than the way the current leadership in Iraq wants them to react.

This is a very important country. It has tremendous resources, resources that are fully capable of helping that country to resuscitate itself, to reconstruct. Those resources are being ripped off of the Iraqi people right now by Saddam Hussein and others around him. They are being spent on matters that really do not benefit the country of Iraq, and they are being spent on matters that do not uplift the aspirations and hopes of the people in Iraq.

As we all know, there is no question that if we could get rid of this repressive regime, Iraq could become a real player in the Middle East and help everybody in the world to understand that Islam is not a religion of destruction. It is not a religion of warfare in particular. It is a very good religion with tremendous ethics and responsible approaches towards life and towards living in the world community.

Nor do I agree with some of our critics in the evangelical movement in this country who have been outspoken in their criticism of Islam, blaming the radical elements of Islam, who are not the majority, for many of the things that are going on, that are reprehensible, including the Osama bin Laden group, al-Qaida, and so many other terrorist groups.

The Senator is absolutely right. We believe, and our intelligence shows, that Iraq could become a major player in world affairs, a major construct for good, if it had different leadership and if the people had the privilege of democratic principles.

I thank my colleague because he has been pointing out all day, as he has served here, very important nuances upon which every one of us should take more time to reflect.

Mr. WARNER. I thank my distinguished colleague. He has many years of experience in the Senate. His wisdom is being brought to bear on this critical issue. All of us feel a weight on our shoulders, the importance of this debate, and the importance of the vote we will cast. If there was ever a vote that would be clearly a matter of conscience between all of us, this is it.

Mr. HATCH. I thank my colleague.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. WARNER. I see our valued colleague on the Senate Armed Services Committee. I look forward to hearing his remarks.

Mr. NELSON of Nebraska. Mr. President, I thank my colleague from Virginia for the opportunity to be here today and for his close attention to these matters of war and these matters of peace that so often come before us on the U.S. Armed Services Committee, and for his counsel and wisdom. I thank him so much.

I rise today to discuss our Nation's Iraq policy, and the resolution we are now debating. This resolution could give the President the power to send the United States Armed Services into a military conflict with Iraq.

As I am sure most of my colleagues will agree, for the U.S. Congress there is no more important debate than one that involves a decision that may lead to loss of life of our brave men and women in uniform.

It is without question that Saddam Hussein poses a threat to the Middle East, our allies in the region, and our international interests that include rebuilding Afghanistan and making peace between the Israelis and Palestinians.

Saddam has refused to comply with United Nations resolutions that were the basis for a cease-fire during the Persian Gulf war in 1991. He agreed to those terms in order to prevent the multinational coalition from proceeding into Iraq and removing him from power by force.

Throughout most of the 1990s Saddam was held in check through U.N. weapons inspectors, a naval blockade and United States and allied air patrols over the southern and northern areas of Iraq.

During that time the U.N. inspectors uncovered Saddam's chemical and biological programs and dismantled those they located. However, since 1998, Saddam has not allowed U.N. weapons inspections.

Now, nearly 4 years have passed with no outside reporting on progress made in Saddam's chemical, biological, or nuclear programs. Moreover, we know that Saddam recently attempted to purchase aluminum rods used to refine uranium. These rods could be used to develop materials for nuclear weapons.

President Bush and his advisers have determined that Saddam Hussein's quest for weapons of mass destruction must end now. The President said in his speech before the U.N. that Saddam poses an immediate, unchecked threat to our Nation and our allies, and unless we act now his arsenal will only grow.

Any resolution on action involving Iraq that the United States Congress would approve must focus on the imperative of disarmament of Iraq.

By disarming Saddam and removing his nuclear, biological and chemical capability, he will pose no strategic threat to the United States or our allies. Saddam would be contained.

If, in order to disarm Iraq, we need to use military force that results in the removal of the current regime, then we should do so. Saddam Hussein must know that the United States will support President Bush's use of force to remove him, if he does not comply with orders to disarm and destroy all weapons of mass destruction.

The President has suggested that ''regime change'' may be the only way Iraq will comply with the 16 existing U.N. resolutions. However, a resolution whose primary focus is ''regime change'' does not address the fact that the next regime in Iraq, even if it is more friendly to the United States, would inherit all weapons systems and programs that the United States did not destroy.

Additionally, if we pursue ''regime change'' as an objective, we will severely limit our ability to form a multinational coalition of support as President Bush's father did so successfully during the gulf war.

Our allies worldwide have expressed support for disarming Saddam, but little enthusiasm for regime change.

Alone among President Bush's advisers, Secretary of State Colin Powell has suggested that putting weapons inspectors back in and making sure they can do their job is the proper avenue to pursue.

The heart of this resolution should outline precisely what access weapons inspectors should be afforded as they inspect the Iraqi military capabilities. It should demand complete transparency of Saddam's military inventory, and unrestricted and unfettered access to all of Iraq by U.N. weapons inspectors, including the presidential palaces.

In concert with a focus on disarmament, a congressional resolution should also strongly urge the President to exhaust all diplomatic efforts within and outside the United Nations. Total disarmament of Iraq should be a multinational effort.

Nevertheless we must reserve the right, and give the President the authority, to act unilaterally provided

the presence of an immediate and grave threat to the United States.

This congressional resolution should not give the President an immediate and unconditional pass to wage war, but should place an emphasis on his diplomatic effort to resolve the issue of disarmament without loss of life.

If Saddam's defiance leads to war, we must also focus on what will need to be accomplished after the war in order to ensure stability in the region.

More thought must be given to the effort that will be required to maintain peace and provide for the Iraqi people in the event that Saddam fails to resolve this issue peacefully.

We seek no quarrel with the people of Iraq and the international community must be prepared to assist them. It is an endeavor that the United States should not undertake alone which, in my opinion, strengthens the need for any use of force to be multilateral.

As a member of the Armed Services Committee, I have heard many hours of testimony from administration officials outlining their case for war. But I fear we have not yet heard enough about what Iraq will look like when the smoke clears.

I am willing to debate and support a resolution that has the characteristics that I have mentioned, but there needs to be equal debate and thought into how we will leave Iraq and what kind of commitment we are willing to give.

This resolution will serve as Saddam's last chance at a peaceful conclusion to his years of defiance of international law if it meets these conditions: The primary objective of the United States is the disarmament of Iraq rather than regime change; the United States will work to establish international support and cooperation and exhaust all diplomatic avenues before going it alone in Iraq; and the United Nations weapons inspectors will be allowed unfettered access to inspect Iraqi weapons systems and facilities and they will be supported by armed U.N. troops.

With these objectives, the United States will demonstrate that we seek a peaceful and diplomatic solution, but if diplomacy fails the United States will take every measure necessary to defend our country, our allies, and our interests. This is our responsibility to our national security, our international interests, our citizens, and the people of the world.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank our colleague for his contribution to this debate. Listening to him, as I have to all the others who have spoken today, underscores the importance of each Senator hoping to contribute to this debate.

My understanding is the leadership will announce shortly the intention to have periods tomorrow that this debate can take place. I hope we will experience tomorrow as robust and important debate as we have had today on the floor.

I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the order that has been guiding us all day continuing until 4 o'clock was the time be equally divided between the two leaders, and that Senators have up to 15 minutes to speak on the Iraq resolution. We have done a good job in doing that.

I ask unanimous consent that any Senators who wish to come yet today, before we adjourn for the evening, still be guided by the 15-minute limitation. Senator DASCHLE and I have spoken about this, and I am sure Senator LOTT would agree—although I have not spoken with him—that we would be well advised that Tuesday we are going to be very busy, with a lot of people speaking. Senators who wish to speak would be well advised to notify their respective cloakrooms. So people will not have to wait all day for their turn, we can set up a sequence. If an equal number of Democrats and Republicans wish to speak, we will alternate, and that way we can have an orderly debate and move on to the ultimate disposition at a subsequent time.

Mr. WARNER. I think I can speak for our leadership on that. That is a constructive observation. I am sure my distinguished colleague would think almost all 100 Senators will want, at one point in time prior to the vote, to express themselves on this important issue. So that will result in a considerable amount of the Senate's time. It is the most important thing before us. I think that is wise counsel.

Mr. REID. Mr. President, Senator BYRD asked me if I would clear a unanimous consent request in regard to this matter with him. So I ask that everyone be recognized for 15 minutes, and I am sure he will agree to a reasonable time. I don't have his permission now. So I will reiterate my unanimous consent request, with the exception of Senator BYRD.

I also ask Senators who wish to speak to get word to their cloakrooms, and we can set up a time for them to speak during the day.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WARNER. Mr. President, I have just been advised possibly someone on our side might want some additional time, and the matter will be managed here by the designees, the respective leaders. I have offered to work with Senator LOTT, and he accepted that offer. There may be others who want more time. We will try to facilitate the management of the floor.

My point is those Senators who might desire to exceed 15 minutes, I am sure the Senate will consider why they need that additional time.

Mr. REID. Mr. President, as usual, our staff saw a possible problem with this. So what I think would be best to do is just not worry about Senator BYRD. We will have this limitation apply for the rest of the evening and until 12:30 tomorrow when we go into the party conferences.

Mr. President, I ask unanimous consent that any further speeches tonight on the Iraq matter be limited to 15 minutes, and that when we come in tomorrow morning to go on the Iraq matter, the speeches be limited to 15 minutes until 12:30.

Mr. WARNER. Mr. President, it is my understanding it will be around 10 o'clock.

Mr. REID. It will be 9 or 10 o'clock.

Mr. WARNER. I thank our colleague.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I am going to depart the floor. I see no colleague on either side wishing to address further the debate on Iraq, although the opportunity has been offered.

I ask unanimous consent at the conclusion of my brief remarks an article that appeared today in the Washington Post be printed in today's RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

The article is well composed in the sense it asks eight questions of those participating in the Iraqi debate about issues at the heart of what we are discussing. I hope by including it in the RECORD it is more readily available to colleagues as they work on their remarks. These are the very questions I encountered this weekend and last weekend as I traveled in my State. I daresay, other Senators will be asked these questions by their constituents and therefore this article is very helpful.

I will not pick up without specifically pointing to those provisions which prompt me to do so. I pick up comments to the effect by others that if Saddam Hussein does this, then everything will be one way or the other. If he does not do that, then this will happen, one way or the other. I call it the doctrine of giving Saddam Hussein the benefit of the doubt. I urge colleagues to think about that because we are dealing with an individual who is

extremely complex, at the least. People are trying to read his mind. Speaking for myself, I have no capability of reading his mind. Nor do I ever predicate action I take or support on what he might do if he does this. I can't follow that line of reasoning. Therefore, I do not subscribe to giving the benefit of the doubt to Saddam Hussein.

What dictates my views about this man is the clear record that he used poison gas against his own population, his own citizens of Iraq. It is reputed, and I think it is well documented, he has actually beheaded individuals who have stood up to disagree with him. So I somehow feel he has not earned a place in leadership that you can, in any way, pontificate about, or figure out what he might do. I think we have to decide as a free Nation what we are going to do, and urge the United Nations to lay that out very clearly in a resolution that leaves no doubt, gives no benefit of the doubt to him as to what he might do. We should plan a course of decisive action because our very future is dependent upon, hopefully, the United Nations taking such actions as are necessary, clearly, to enforce their resolutions and such additional resolution—and I hope it is only one—as they may devise.

I yield the floor.

EXHIBIT 1

DEBATE OVER IRAQ FOCUSES ON OUTCOME—MULTIPLE SCENARIOS DRIVE QUESTIONS ABOUT WAR

(By David Von Drehle)

Congress plans this week to debate a joint resolution that would give President Bush broad powers to disarm Iraq—including the authority to invade the country and depose President Saddam Hussein.

The resolution is expected to pass easily, in part because leading Democrats want to get the issue of war behind them, and in part because there is widespread agreement on Capitol Hill that Hussein must be dealt with. ''We begin with the common belief that Saddam Hussein is a tyrant and a threat to the peace and stability of the Middle East,'' said Sen. Carl M. Levin (D–Mich.), chairman of the Armed Services Committee.

There is also general agreement that if it comes to war, the United States will win.

But beyond this first level of agreement lie major disputes over important questions—about the alternatives to war, the timing and, most of all, the outcomes. The debate in Congress is likely to distill these disputes.

And although these questions may not be answerable without a crystal ball—experts have already debated them without researching consensus in congressional hearings, op-ed and journal articles, speeches and interviews—they frame the risks and the assumptions of the U.S. approach.

Here are eight of the most important questions:

(1) Can Hussein be ''contained'' and ''deterred''?

For more than 50 years of the Cold War, the United States faced an enemy armed with thousands of high-yield bombs mounted on sophisticated missiles and managed to avoid a direct military confrontation. How? By ''containing'' the enemy—that is, trying to prevent communist expansion—and ''deterring'' attacks with threats of apocalyptic retaliation.

Some experts believe that this strategy, applied aggressively, can work with Iraq. After all, continued containment and deterrence is the U.S. policy for dealing with Iran, which is widely believed to be more advanced in nuclear capability and deeply involved in supporting terrorists. Brent Scowcroft, the national security adviser to then-President George H.W. Bush, recently argued that ''Saddam is a familiar . . . traditional'' case, ''unlikely to risk his investment in weapons of mass destruction, much less his country, by handing such weapons to terrorists'' or by using them for blackmail. ''While Saddam is thoroughly evil, he is above all a power-hungry survivor.''

Hussein's behavior has not always squared with this view. In 1993, he tried to use secret agents to assassinate George H.W. Bush, and Iraqi guns routinely fire at allied aircraft over the Iraqi ''no-fly'' zones. But proponents of continued containment think there is a line that the Iraqi leader will not cross for fear of the consequences.

This assumption drives the thinking of figures such as Morton H. Halperin of the Council on Foreign Relations, who advocates a policy of tougher weapons inspections and a more effective embargo on trade with Iraq—''containment-plus,'' as he calls it. This strategy, ''if pursued vigorously . . . will, in fact, succeed in preventing Saddam from using weapons of mass destruction or supplying them to terrorist groups,'' Halperin recently assured Congress.

But many people, President Bush among them, believe deterrence is no longer enough after the Sept. 11 attacks—not when weapons might be delivered secretly to fanatics willing to destroy themselves in an attack. Sen. John W. Warner (R–Va.), the ranking Republic on the Armed Services Committee, put it this way: ''The concept of deterrence that served us well in the 20th century has changed. . . . Those who would commit suicide in their assaults on the free world are not rational and are not deterred by rational concepts of deterrence.''

(2) Is Hussein in league with al Qaeda?

Somewhere, there is a cold, hard answer to this question, but so far, no one has publicly proved it one way or the other. Though administration officials have charged that al Qaeda operatives are living in Iraq, the same is believed to be true of more than 50 other countries. Daniel Benjamin, former director of counterterrorism for the National Security Council, recently argued that secular Iraq and fundamentalist al Qaeda are natural rivals, not co-conspirators.

But if the answer is yes, it strengthens the case for moving quickly.

''We must remove threats such as those [posed by] Saddam Hussein, al Qaeda and other terrorist groups,'' retired Air Force Lt. Gen. Thomas McInerney told a Senate hearing. The same gaps in intelligence gathering that make it hard to know whether Hussein deals with al Qaeda make it dangerous to assume he doesn't, McInerney argued. ''We face an enemy that makes its principal strategy the targeting of civilians. . . . We should not wait to be attacked with weapons of mass destruction.''

(3) Is disarmament possible without ''regime change''?

No one in the mainstream believes that Hussein will disarm voluntarily, but some experts—including Secretary of State Colin L. Powell—entertain the possibility that he will if it is his last hope of survival.

That said, skepticism is very high that the Iraqi weapons problem can be solved while Hussein runs the country. Charles Duelfer, a veteran of previous weapons inspections in Iraq, recently said, ''In my opinion, weapons inspections are not the answer to the real problem, which is the regime.'' Finding and destroying offending weapons now would not prevent the regime from developing new ones after the inspectors have left.

Even many proponents of renewed U.N. weapons inspections see them mainly as a tool for building international support for war. As retired Gen. Wesley Clark, a former supreme commander of NATO, put it: ''The closer we get to the use of force, the greater the likelihood. And the more we build up the inspections idea, the greater the legitimacy of the United States effort in the eyes of the world.''

(4) In the event of war, what would Hussein's military do?

There are two scenarios: one ghastly, one hopeful.

In the first, his commanders fire chemical and biological weapons into Israel, trying to ignite a pan-Arabic war, and lob gas bombs at approaching U.S. troops. In the other, Iraqi officers refuse to commit such futile war crimes in the face of certain defeat and turn on the dying regime.

''Most of the army does not want to fight for Saddam,'' McInerney maintained. ''We are already seeing increasing desertions from the regular army as well as the Republican Guards.'' He cited reports from inside Iraq that Hussein has arrested or executed scores of disaffected officers and won't allow even some elite Republican Guard units into Iraq's cities, for fear of a coup. ''That's why I think there will not be urban fighting.''

But retired Gen. Joseph Hoar, a former commander in chief of U.S. Central Command, sees it differently. ''The nightmare scenario is that six Iraqi Republican Guard divisions and six heavy divisions, reinforced with several thousand antiaircraft artillery pieces, defend the city of Baghdad. The result would be high casualties on both sides, as well as the civilian community . . . [and] the rest of the world watches while we bomb and have artillery rounds exploded in densely populated Iraqi neighborhoods,'' Hoar testified before Congress. ''It looks like the last 15 minutes of 'Saving Private Ryan.' ''

(5) What would the Iraqi people do?

Again, there are two scenarios (always with the possibility that the truth is somewhere in between).

One emphasizes the relative sophistication and education of the Iraqi population, and its hatred for Saddam Hussein. These qualities, according to the optimists, would make the Iraqis unwilling to defend him, grateful for the arrival of American liberators and ready to begin building a new, pro-Western country as soon as the smoke cleared. ''We shall be greeted, I think, in Baghdad and Basra with kites and boom boxes,'' Arab scholar Fouad Ajami of Johns Hopkins University has predicted.

The aftermath of the war would not necessarily be chaos, Duelfer has theorized. ''There are national institutions in Iraq that hold the country together: the regular army; there's departments of agriculture, irrigation; there's a civil service.''

The pessimistic view emphasizes the deep divisions in Iraq. There are Kurds in the oil-rich north, yearning for an independent state. There are Shiite Muslims concentrated in the South and seething at the discrepancy between their large numbers and small influence in Iraq. For all their education and institutions, Iraqis do not have experience with self-government. Iraq might trade one despot for another.

In this scenario, the only thing that would prevent a messy breakup of the former Iraq would be a long American occupation—a prospect the Bush administration has been reluctant to discuss.

(6) How will the Middle East react to the war and to the subsequent peace?

This may be the most potent of the unanswered questions. Here, there seems to be agreement that rank-and-file Muslims won't like an American war in Iraq. Michael

O'Hanlon, a defense analyst at the Brookings Institution, has referred to the ''al-Jazeera effect''—millions of Muslims watching televised scenes of destruction and death, and blaming the United States. Halperin is one of many who have theorized that al Qaeda recruiters would be inundated. ''Certainly if we move before there is a Palestinian settlement . . . what we will stimulate is a large number of people in the Arab world who will be willing to take up a terrorist attack on the United States and on Americans around the world.''

Some experts predict that the regional reaction would then go from bad to worse.

According to Geoffrey Kemp, director of Regional Strategic Studies at the Nixon Center in Yorba Linda, Calif., ''Iranians . . . worry about a failed or messy U.S. operation that would leave the region in chaos. They would then be on the receiving end for possibly millions of new Iraqi Shi'a refugees.'' Mark Parris, a former U.S. ambassador to Iraq's northern neighbor, Turkey, has raised the specter of a war between the Turks and the Kurds over the oil cities of Mosul and Kirkuk. The fragile reign of Jordan's moderate King Abdullah II would be shaken by an expected anti-American reaction among that nation's many Palestinians. Said Kemp: ''The Saudis will ride it out, the Egyptians will ride it out, the Qataris will—but we're all a little worried about the king.'' Against this, there is a school of thought that says a moderate government in Iraq could lead to modernization and liberalization throughout the region. ''A year after [Hussein falls], Iran will get rid of the mullahs,'' McInerney recently predicted. ''The jubilation that you see in Baghdad . . . will change the whole tenor of the world, and the sum of all your fears will disappear, I assure you.''

(7) Would a military campaign in Iraq help or hurt the war on terrorism?

Sources as diverse as the conservative Weekly Standard magazine and former president Bill Clinton scoff at the idea that it would be too much to pursue al Qaeda and deal with Iraq simultaneously, both saying: ''The U.S. can walk and chew gum at the same time.'' However, former NATO commander Clark worries about ''a diversion of effort'' on the part of U.S. military and intelligence forces, and Halperin counsels that there is a limit on the number of things government bureaucracies can handle at once.

But the deeper problem, many believe, is that U.S. action in Iraq could spoil the spirit of cooperation with many nations—including many Arab nations—that is essential to fighting terror.

To ''drive a stake in the heart of al Qaeda,'' Hoar recently said, it is essential to have ''broad support from our European allies and from our friends in the Arab world.'' Like many experts, he believes that a war in Iraq could dry up that support like fire under a damp skillet.

On the other hand, retired Gen. John Shalikashvili, a former chairman of the Joint Chiefs of Staff—while insisting on the importance of building more international support for U.S. policy on Iraq—has argued that dealing with Iraq cannot, ultimately, be separated from the war on terror. ''It really falls under the same umbrella,'' he told a Senate committee. ''The war against terrorism isn't just al Qaeda. . . . It is also denying terrorists the means of getting to weapons of mass destruction.''

(8) In the end, will the United States be more secure?

One's answer to this question is a sort of scorecard for one's answers to the previous seven. If Hussein is indeed impossible to deter and willing to engage in terror, if a new regime is the only way to eliminate the threat he poses, and if that can be done with a minimum of chaos and relatively few bad consequences—then the case for war might seem strong. Different answers to these questions can change the equation dramatically.

In the coming debate, Americans will watch scores of elected leaders wrestle with some or all of these disputes, but if the resolution passes, as expected, they will ultimately come to a final calculus on a single desk. As Sen. John D. ''Jay'' Rockefeller IV (D–W. Va.) said last week: ''You don't have all the answers and you never will have all the answers. . . . It rests in the hands of the president of the United States.''

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, while the Senator from Virginia is still on the floor, I wonder if he would be willing to have a brief discussion on the resolution and the action before the United Nations?

Mr. WARNER. Yes, I would be privileged to do so.

Mr. SPECTER. Earlier today I had discussed the considerations on conditioning authority for the President to use force on a United Nations resolution which called for the use of force, very much like the 1991 incident, contrasted with authorization by the Congress for the President to use force unilaterally, without a United Nations resolution, or perhaps with the assistance of Great Britain. The disadvantage, to which I had referred earlier today, on having a resolution which required U.N. action is that, in effect, we would be subordinate or subject to a veto by China, which is undesirable; France—undesirable; Russia—undesirable.

But the difficulty with authorizing the President to use force unilaterally is it might set a precedent for other countries to say they could do the same. While these analogies are not perfect, one which comes to mind is China on Taiwan, or India on Pakistan, or the reverse—Pakistan on India.

My question to one of the managers of the bill, one of the coauthors of the bill, is: Do you see any problem at all on a precedent being established if Congress authorizes the President to use force without a U.N. resolution to use force, on justifying some action by some other country like China and Taiwan, or Pakistan and India, or some other situation in the future?

Mr. WARNER. Mr. President, I say to my distinguished colleague, speaking for myself—and I hope the majority of the Senate—in no way should this Nation ever subordinate itself in its decision making with respect to our national security, to actions or inactions by the United Nations.

Let me just give a wonderful quote that I, in my research on this subject, have referred to before. This was October 22, 1962, when our Nation, under the leadership of President Kennedy, was faced with the looming missile crisis down in Cuba. I know my colleague knows that period of history very well.

Kennedy said the following:

This Nation is prepared to present its case against the Soviet threat to peace and our own proposals for a peaceful world at any time and in any forum in the Organization of American States, in the United Nations, or in any other meeting that could be useful, without limiting our freedom of action.

That, to me, answers the question.

Mr. SPECTER. Mr. President, the citation by the Senator from Virginia is a very impressive one, beyond any question, that some might think there was some difference in circumstances between the imminence of a possible attack in 1962, with the so-called Cuban missile crisis, compared to the present time with respect to Iraq. I would be interested to know what the Senator from Virginia was doing at that time. I can tell the Senator from Virginia that was the one occasion where my wife and I went out to the supermarkets and stocked up on food, as did most Americans, and put them in the basement of our house.

The television was replete with maps showing the missile range from Cuba to Philadelphia—the ones I particularly noted. They passed by Virginia en route to Philadelphia.

I quite agree with the Senator from Virginia, we ought never subordinate our sovereignty when we face that kind of a threat.

But I think the threat is significantly different with respect to Iraq—although I concede the threat. But the point is missed, at least somewhat, and that is whether U.S. unilateral action could set a precedent for some other country taking unilateral action, such as the ones to which I referred.

Mr. WARNER. Mr. President, any action by a strong, sovereign Nation such as ours, which I say with humility is a leader in the world in so many issues of foreign policy, can be used as a precedent. But I say to my friend, what is the precedent of inaction? I have given some comments about the League of Nations here earlier today. Throughout the history of the League, it is documented inaction, from Mussolini's attack on Abyssinia in the 1930s, to other operations militarily, naked aggression—inaction.

So what is the precedent of inaction, if our President and our Nation does nothing collectively with Great Britain, in the face of this crisis? So, of course, it would be a precedent.

But the times have changed. I also put a list in the RECORD the other day of some 13 instances where Presidents of our United States, going back as far as 1901, have instituted—you might characterize it, as I do, as preemptive; I certainly so characterize it—preemptive strikes in the use of the military, the U.S. Army, Navy, Air Force, Marines. Look here; it is documented: Panama, 1901; Dominican Republic, 1904, 1914 and 1965; Honduras, 1912; Nicaragua, 1926; Lebanon, 1958; Cuba, the naval quarantine in 1962; Grenada, 1983; Libya, 1986; Panama—just cause—1989; Somalia, 1992; Sudan and Afghanistan, August 1998; Iraq, Desert Fox—you recall that one. The eve of Christmas.

I remember my good friend and your good friend, Bill Cohen, was Secretary

of Defense. I went over and visited with him in his office as ranking member of the Armed Services Committee, where we discussed the coming Desert Fox operation, a form of consultation between the executive and legislative branch. That was December of 1998.

Kosovo, there was preemption. I will hand this to the Senator. That was March of 1999.

International law recognizes the concept of anticipatory self-defense. That is a phrase known in international law—if a country is imminently threatened.

I think the record at this point is replete with facts, where we could be in imminent threat of the use of weapons of mass destruction by Saddam Hussein, and more likely his surrogates—any one of which in this international coalition of terrorists.

Mr. SPECTER. Mr. President, without going through the entire litany, I agree that those are all illustrations of anticipatory self-defense. The Afghanistan missile attack on August 20 of 1998 was in response to al-Qaida because of the destruction of our embassies in Africa at about that time. I don't think you could call the Grenada incident a matter of anticipatory self-defense. I don't think you can call it self-defense at all. I think what the Senator from Virginia referred to is not a case of anticipatory self-defense—action by the United States, but not anticipatory self-defense. The quarantine of Cuba, as I said before, certainly does qualify, but under very different circumstances.

But I thank my colleague from Virginia. During the course of the coming days, I think we are going to have very extended discussions on these issues as we debate this resolution.

Mr. WARNER. Mr. President, I say to my good friend we have been fortunate to serve in this institution for many years together, and I hope, with luck perhaps, a few more. But the Senator has always been very careful, very thoughtful, and well prepared. While I haven't always agreed with the Senator, it is not for lack of a strong case that he has worked up on his side. I hope in due course he can see the wisdom of joining in this resolution which I and three others—Senators MCCAIN, LIEBERMAN, and BAYH—have put together. We really believe—and it is the one which is before the House of Representatives right now—that this is the wisest course of action for this Congress to take to support the President, and do it in a way that leaves no doubt in anyone's mind—Saddam Hussein or any other nations in the United Nations—who are thinking that a different course should be taken.

Mr. SPECTER. Mr. President, I thank my colleague from Virginia for those comments. We form a long-time mutual admiration society. The Senator from Virginia was elected in 1978, and I was elected 2 years later. So he has been here finishing up his 24th year, and I, 22. We have worked together on many matters.

I am raising questions only because I think it is in the tradition of what they call the world's greatest deliberative body. I am not sure that is accurate. But when we face an issue of this sort, we ought to be considering it very carefully. That is what I intended to do with this very brief colloquy today along that line.

Mr. WARNER. Mr. President, I thank my colleague for his kind remarks. We have had a very healthy debate here for 4½ hours on Friday afternoon—Senator BYRD, Senator KENNEDY, Senator DODD, and myself. We resumed today with, I think, seven colloquies on both sides of the aisle addressing this issue. I think we are going to perhaps even exceed the thoroughness, the thoughtfulness, and the strength in the debate we had in 1991 on a similar resolution that I dealt with at that time, along with my distinguished friend and colleague, Senator LIEBERMAN.

I thank the Senator.

Mr. SPECTER. Mr. President, it is true that in 1991 we had a debate which was characterized as historic. I recall the occasions when I was in the Chamber with the Senator from Virginia seated over there on the right-hand side. Senator Nunn was in the Chamber. We were debating that extensively in the Chamber today. I think it will be reassuring to the American people to see this kind of analysis and this kind of discussion—that we are not rushing to judgement.

Mr. WARNER. They deserve no less. I thank the Senator.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 3068 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

NOMINATION OF MIGUEL ESTRADA

Mr. SPECTER. Mr. President, I now will comment on the pending nomination of a very distinguished lawyer to the Court of Appeals for the District of Columbia Circuit, Miguel A. Estrada, who has been nominated by President Bush for the Court of Appeals for the District of Columbia Circuit.

Mr. Estrada has an extraordinary background. He received his law degree from Harvard, magna cum laude, in 1986. He received his bachelor's degree, magna cum laude, from Columbia College.

Mr. President, I ask unanimous consent to have printed in the RECORD his employment record, which shows the very outstanding work he has done.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MIGUEL ESTRADA, NOMINEE TO THE COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA—BIOGRAPHY/EXPERIENCE

Miguel A. Estrada is currently a partner in the Washington, D.C. office of Gibson, Dunn & Crutcher LLP, where he is a member of the firm's Appellate and Constitutional Law Practice Group and the Business Crimes and Investigations Practice Group.

Mr. Estrada has broad appellate experience—he is widely regarded as one of the country's best appellate lawyers, and has argued 15 cases before the U.S. Supreme Court.

The American Bar Association—the Democrats' "gold standard" for judicial nominees—unanimously rated Estrada "well qualified."

If confirmed, Estrada would be the first Hispanic-American ever to sit on the Court of Appeals for the D.C. Circuit.

From 1992 until 1997, he served as Assistant to the Solicitor General of the United States. From 1990 to 1992, he served as Assistant U.S. Attorney and Deputy Chief of the Appellate Section, U.S. Attorney's Office, Southern District of New York.

Mr. Estrada served as a law clerk to the Honorable Anthony M. Kennedy of the U.S. Supreme Court from 1988–1989, and to the Honorable Amalya L. Kearse of the U.S. Court of Appeals for the Second Circuit from 1986–1987.

He received a J.D. degree magna cum laude in 1986 from Harvard Law School, where he was editor of the Harvard Law Review. Mr. Estrada graduated with a bachelor's degree magna cum laude and Phi Beta Kappa in 1983 from Columbia College, New York. He is fluent in Spanish.

Mr. SPECTER. Mr. President, during the course of the hearings on Mr. Estrada, the issue was raised about obtaining memoranda which Mr. Estrada had worked on in the Solicitor General's office from 1992 to 1997, internal memoranda which would be very troublesome for disclosure because of the need for candid expressions by lawyers who work in the Solicitor General's office.

A letter, dated, June 24, 2002, was submitted by a former Solicitor General, Seth P. Waxman, on behalf of all seven living ex-Solicitors General, objecting to the request by the Judiciary Committee for these internal memoranda, signed by Mr. WAXMAN, on behalf of Walter Dellinger; Drew S. Days, III; Kenneth W. Starr; Charles Fried; Robert H. Bork; and Archibald Cox. It is apparent, on the face of those signatories, that you have people from a broad spectrum, from very liberal to very conservative.

But of more importance than the range of Solicitors General on the political spectrum are the reasons set forth in the letter. And the essence is contained in a couple of paragraphs:

> As former heads of the Office of the Solicitor General—under Presidents of both parties—we can attest to the vital importance of candor and confidentiality in the Solicitor General's decision-making process.

Then, in a later paragraph, it continues:

> It goes without saying that, when we made these and other critical decisions, we relied on frank, honest, and thorough advice from our staff attorneys, like Mr. Estrada. Our decision-making process required the unbridled, open exchange of ideas—an exchange that simply cannot take place if attorneys have reason to fear that their private recommendations are not private at all, but vulnerable to public disclosure. Attorneys inevitably will hesitate before giving their honest, independent analysis if their opinions are not safeguarded from future disclosure. High-level decision-making requires

candor, and candor in turn requires confidentiality.

Mr. President, I ask unanimous consent that the full text of this letter be printed at the conclusion of my statement. That will abbreviate the time of the statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SPECTER. Mr. Estrada was questioned about an article which appeared in The Nation, which referred to anonymous sources on the subject that Mr. Estrada was questioning prospective clerks for Justice Kennedy and was applying a litmus test. This is what is set forth in the article in The Nation in the October 7, 2002, issue:

> Perhaps the most damaging evidence against Estrada comes from two lawyers he interviewed for Supreme Court clerkships. Both were unwilling to be identified by name for fear of reprisals. The first told me: ''Since I knew Miguel, I went to him to help me get a Supreme Court clerkship. I knew he was screening candidates for Justice Kennedy. Miguel told me, 'No way. You're way too liberal.' I felt he was definitely submitting me to an ideological litmus test, and I am a moderate Democrat. . . .''

A second unnamed person in the article said:

> ''I was a clerk for an appeals court judge,'' the professor told me, ''and my judge called Justice Kennedy recommending me for a clerkship with him. Justice Kennedy then called me and said I had made the first cut and would soon be called for an interview. I was then interviewed by Miguel Estrada and another lawyer. Estrada asked most of the questions. He asked me a lot of unfair, ideological questions, a lot about the death penalty, which I told him I thought was immoral. I felt I was being subjected to an ideological litmus test. . . .''

And it goes on, but that is the pertinent part.

During the course of the Judiciary Committee hearings, Mr. Estrada was questioned about these two unidentified sources. He said he had not asked such questions, and then later responded to further questions saying that he couldn't remember if it had ever happened, that it might have been possible but he had no recollection.

His answer was:

> Now, that you have drawn that to my attention, it is possible that interviewing a candidate—I can't think of any now, but it is possible that I may have come to the conclusion that the person's ideology was so strongly engaged in what he thought as a lawyer that he would not be able to follow the instructions in the chambers as set forth by Justice Kennedy.

Then, when the questions are pursued, Mr. Estrada says candidly he can't remember ever having said that but would not rule out the possibility.

It seems to me that when someone is being questioned, and being questioned from sources which refuse to reveal their identify, that it is impossible for a witness, a nominee for a judgeship, to give a responsive answer.

One of the very basic principles of American jurisprudence is that an individual is entitled to confront his accuser. That is a basic constitutional requirement, of course, in a different context in the fifth amendment of right to confrontation. But as a matter of basic fairness anywhere, if a person is to have an opportunity to focus on a question, to focus on the event, he or she should be told who it was who made the statement, so there can be an appropriate focus of attention.

And a prospective nominee ought not to be ruled out, ought not to be criticized, or ought not have it held against him if people are challenging him who will not be disclosed.

And the article in The Nation magazine says specifically it came from two lawyers, both unwilling to be identified by name for fear of reprisals. It is a little hard to see what the reprisals would be.

If somebody has something to say about a judicial nominee, let him come forward. If they are not going to be identified, how can you expect a responsive answer to be given by an individual, which is apparent on its face, as Mr. Estrada tries to respond to these questions without knowing precisely what they are?

Other issues were raised as to Mr. Estrada because of clients he represented and causes he undertook. I regrettably could not be present for all of the Estrada hearings because we were debating homeland security on the day his hearing was up, and I was there for part of it but not there for all of it.

It was reported to me that Mr. Estrada was questioned about comments which he had made in representing a client, trying to have the case of Miranda v. Arizona overruled, a 1966 decision where the Supreme Court laid down certain requirements for warnings and waivers.

The Omnibus Crime Control Act of 1968, passed by the Congress, sought to change the Miranda rule by providing that the confession be judged on the totality of the circumstances. An act of Congress is presumptively constitutional, and it was a matter for argument. The Supreme Court considered the issue and decided that Miranda would not be overruled, considered it, many years later.

Shortly after the Omnibus Crime Control Act was passed in 1968, I was asked by the National District Attorneys Association to argue a case captioned Frasier v. Cupp where there was a confession at issue under Escobedo. I appeared in the Supreme Court and argued that the confession which was given, the statements which were given should be judged under the 1968 Omnibus Crime Control Act which said voluntariness should be decided on the basis of the totality of circumstances.

In a State prosecution, the due process clause picks up the right to counsel of the sixth amendment and the privilege against self-incrimination of the fifth amendment. The argument which I made was there ought not to be a higher standard imposed on the States under the due process clause than on the Federal Government.

Under the 1968 statute gauging the admissibility on the totality of the circumstance, the act was presumptively constitutional. The Supreme Court did not reach the issue in deciding the case of Cupp v. Oregon where the confession was upheld. But I had appeared before a congressional committee, the McClellen committee, in 1966 and said I agreed with Miranda and that I thought as a matter of public policy Miranda was the correct decision. I said that not withstanding the fact that I was a district attorney at that time and had to deal with the limiting effects. It seemed to me it placed the suspect on an equal par with the interrogators for them to be required to say you have a right to counsel, you have a right to remain silent.

But notwithstanding my own personal view that Miranda was the correct decision, I felt entirely free to argue to the Supreme Court the position that the 1968 act ought to govern, and the totality of the circumstances ought to prevail.

This is just one of what I understood to be a number of concerns expressed by some members of the Judiciary Committee. I think there ought to be a sharp distinction between what an individual believes as a matter of judicial philosophy or ideology and what an individual does by way of presenting a case for argument.

Under our adversarial system, all sides are to be presented, both sides are to be presented, and the court is to make the decision. An attorney has the liberty of making arguments which he thinks are good-faith arguments for resolution by the court.

It is my hope that the Judiciary Committee will report out Mr. Estrada. Frankly, it looks as if they are not going to do so. The reason, really, the excuse will be given that the Solicitor General's opinions will not be forthcoming. But they realistically cannot be forthcoming for reasons set forth by the Solicitor General's letter that if they are to be able to have honest and frank discussions, they have to have the honest opinions of their lawyers.

And if you are going to make public disclosure in the context of a judicial confirmation proceeding, the lawyers are always going to be worried about that and are not going to give their frank opinions.

Ultimately, I hope we are able to adopt a protocol. Perhaps the year 2004 would be a good time. We have a Republican President now and a Senate controlled by Democrats and nominations were being held up. I am candid to say and have said, when we had a President who was a Democrat and the Judiciary Committee was controlled by Republicans, that nominations were held up.

I crossed party lines and voted for President Clinton's nominees when I thought they were qualified. In the spirit of reciprocity, I have been able to get Pennsylvania judges confirmed. But perhaps in the year 2004, when no

one knows exactly what 2005 will bring, we can end this politicization of the Judiciary Committee process and adopt a protocol which I have submitted but which would say that after so many days after a nomination, the committee would consider it with a hearing; so many days after the hearing, the committee would vote; and so many days later, it would come to the floor. We could get rid once and for all of this politicization of the nomination process.

I ask unanimous consent that the text of my resolution of protocol be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 2.)

Mr. SPECTER. I yield the floor.

EXHIBIT 1

WILMER, CUTLER & PICKERING,
Washington, DC, June 24, 2002.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: We write to express our concern about your recent request that the Department of Justice turn over ''appeal recommendations, certiorari recommendations, and amicus recommendations'' that Miguel Estrada worked on while in the Office of the Solicitor General.

As former heads of the Office of the Solicitor General—under Presidents of both parties—we can attest to the vital importance of candor and confidentiality in the Solicitor General's decisionmaking process. The Solicitor General is charged with the weighty responsibility of deciding whether to appeal adverse decisions in cases where the United States is a party, whether to seek Supreme Court review and adverse appellate decisions, and whether to participate as amicus curiae in other high-profile cases that implicate an important federal interest. The Solicitor General has the responsibility of representing the interests not just of the Justice Department, nor just of the Executive Branch, but of the entire federal government, including Congress.

It goes without saying that, when we made these other critical decisions, we relied on frank, honest, and thorough advice from our staff attorneys, like Mr. Estrada. Our decisionmaking process required the unbridled, open exchange of ideas—an exchange that simply cannot take place if attorneys have reasons to fear that their private recommendations are not private at all, but vulnerable to public disclosure. Attorneys inevitably will hesitate before giving their honest, independent analysis if their opinions are not safeguarded from future disclosure. High-level decisionmaking requires candor, and candor in turn requires confidentiality.

Any attempt to intrude into the Office's highly privileged deliberations would come at the cost of the Solicitor General's ability to defend vigorously the United States' litigation interests—a cost that also would be borne by Congress itself.

Although we profoundly respect the Senate's duty to evaluate Mr. Estrada's fitness for the federal judiciary, we do not think that the confidentiality and integrity of internal deliberations should be sacrificed in the process.

Sincerely,

SETH P. WAXMAN.
WALTER DELLINGER.
DREW S. DAYS, III.
KENNETH W. STARR.
CHARLES FRIED.
ROBERT H. BORK.
ARCHIBALD COX.

EXHIBIT 2

S. RES. ____

Whereas there has been a continuing controversy with the political party of the President protesting the process on confirmation of Federal judges by the Senate when the Senate is controlled by the opposite political party; and

Whereas there is a concern about a lack of public confidence in the Senate's judicial confirmation process when different parties control the White House and the Senate: Now, therefore, be it

Resolved,

SECTION 1. PROTOCOL FOR NONPARTISAN CONFIRMATION OF JUDICIAL NOMINEES.

(a) TIMETABLES.—

(1) COMMITTEE TIMETABLES.—The Chairman of the Committee on the Judiciary, in collaboration with the Ranking Member, shall—

(A) establish a timetable for hearings for nominees to the United States district courts, courts of appeal, and Supreme Court, to occur within 30 days after the names of such nominees have been submitted to the Senate by the President; and

(B) establish a timetable for action by the full Committee to occur within 30 days after the hearings, and for reporting out nominees to the full Senate.

(2) SENATE TIMETABLES.—The Majority Leader shall establish a timetable for action by the full Senate to occur within 30 days after the Committee on the Judiciary has reported out the nominations.

(b) EXTENSION OF TIMETABLES.—

(1) COMMITTEE EXTENSIONS.—The Chairman of the Committee on the Judiciary, with notice to the Ranking Member, may extend by a period not to exceed 30 days, the time for action by the Committee for cause, such as the need for more investigation or additional hearings.

(2) SENATE EXTENSIONS.—

(A) IN GENERAL.—The Majority Leader, with notice to the Minority Leader, may extend by a period not to exceed 30 days, the time for floor action for cause, such as the need for more investigation or additional hearings.

(B) RECESS PERIOD.—Any day of a recess period of the Senate shall not be included in the extension period described under subparagraph (A).

(c) REPORT OF NOMINATION TO SENATE.—

(1) NOMINATION TO SUPREME COURT.—Regardless of the vote of the Committee on the Judiciary, a nomination for the Supreme Court of the United States shall be reported by the Committee for action by the full Senate.

(2) NOMINATION TO DISTRICT COURT OR COURT OF APPEALS.—If a nomination for the United States district court or court of appeals is rejected by the Committee on the Judiciary on a party line vote, the nomination shall be reported by the Committee for action by the full Senate.

UNANIMOUS CONSENT REQUEST—S. 2949

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 623, S. 2949, the aviation security legislation; that the Smith-Boxer amendment at the desk be considered and agreed to; the committee amendment be agreed to; the bill, as amended, be read three times, passed, and the motion to reconsider be laid on the table, without any intervening action or debate.

This legislation is sponsored by Senators BOB SMITH and BARBARA BOXER, an unlikely pair, you would think, to sponsor legislation. But they agree, as a majority of the Senate agrees, we should move forward on this legislation to allow certain pilots in commercial aviation to be armed. That is what the legislation is all about.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, on behalf of the leader, Senator LOTT, I have been asked to lodge a formal objection to the unanimous consent request. I know the Senator from Nevada had expected that.

I want it plain that I express none of my own views on the pending legislation in lodging this formal objection. I am the last Republican available to represent the leader, who has asked that a formal objection be lodged on behalf of other Members.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I understand my friend from Pennsylvania entering the objection. This measure has been cleared on this side, the Democratic side, for approximately 2 weeks. I understand the Commerce Committee staff has been working diligently on this matter. It is something we should complete. It has widespread support. I appreciate the statement of my friend from Pennsylvania.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for a period not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN ECONOMY

Mr. DOMENICI. Madam President, it isn't often that a Senator from New Mexico and a Republican quotes an editorial by the Washington Post regarding economics and economic activity and America's economic future. This morning I caught an editorial in that newspaper which I have here behind me. It is from Saturday, October 5. It is styled ''Negative Al Gore.''

I didn't put it up here to be negative to Al Gore. I put it up here because the editors of this newspaper have come to the conclusion, and have come to it rather firmly, that the President of the United States, George Bush, is not responsible for the current state of the American economy, nor did he do anything to cause the recession—how mild it was, how deep it was, how long it has lasted. He didn't cause it.

I would like to start first with a statement which I will print in the

RECORD which has gotten a lot of notoriety since I issued it and put it in the RECORD some days ago. It is a statement by Joseph Stiglitz, chairman of President Clinton's Council of Economic Advisors. I don't think we can quote it enough, as those on the other side think they are going to convince the American people, who are already rather doubtful, that they are going to convince them that President George Bush is responsible for this slow economy.

This is a man, Dr. Joseph Stiglitz, who speaks for the Democrats, if he speaks for either party. He worked for President Clinton. He answered the question: When did the downturn start? I quote:

> [T]he economy was slipping into recession even before Bush took office, and the corporate scandals that are rocking America began much earlier [than that.]

We ought to be able to carry one of these around for the next 4 or 5 weeks, just as our friend Senator BYRD carries the Constitution. Every time we hear a Democrat, wearing his partisan clothes, get up and say President Bush did this, we will refer him to one of the best economists that ever served America, served the previous President on his Council of Economic Advisors, and later on was a member of the Federal Reserve with the distinguished President we have there now, and he wrote this as a part of a dissertation with reference to the American economy.

Along comes the Washington Post a few weeks later, Saturday, October 5. Let me just read the yellow print and you can all be looking at the rest of it:

> But President Bush's main economic policy—the large tax cut of last year—was not responsible for any of the current damage. Indeed, given the twin shocks of 9/11 and the post-Enron stock market decline, the short-term stimulus created by the tax cuts has turned out to be fortuitously well timed.

You might recall, on a number of occasions, Senators who were putting forth the President's tax policy—I think the occupant of the Chair might have even supported that tax policy—would get up and say: It just might be the right time. We might be doing something right for a change, where we are getting a tax cut to come in just at the time that the American economy starts to stutter, starts to stammer around. And for once we might be on time, I said, in proposing it and getting the reconciliation instruction through here.

I said, in addition, spending additional resources rather than tightening the budget would be in order also. Sure enough, the tax cuts were supplemented by an increase in expenditures. And, guess what. The Federal Reserve Chairman lowered the interest rates, and we had the threefold attack which normally works in terms of the American economy.

We seldom do it right and punctual enough, but we did. So the American economy is stuttering for some other reason. It may very well be that we had such an extensive balloon-type economy when the stock market was driving almost everything to outlandish prices coming on to the market that maybe when those start to fall, it takes a little bit longer for things to catch on and push that back up the ladder because so much is falling down on us. Some say $11 trillion is the amount—trillion—of diminution in value. I put ''value'' in quotes as I say it because I am not sure what that value meant. I am not sure that was value like you had dollar bills, but I am not sure what it was. People are having difficulty saying how much of that was nothing more than the hot air of the stock market. I don't know the answer to that. I haven't studied that.

I would like very much to say to the editors of the Washington Post, I have some additional comments on the editorial that they have written. Obviously, I have taken parts of it and put it in my statement, obviously giving the Washington Post credit wherever I thought it was right, that that language was consistent with what I am talking about.

The lead editorial on Saturday, titled ''Negative Al Gore,'' seriously questions the Senate leader's attack on President Bush. Let me highlight once more a couple of items:

> But President Bush's main economic policy—the large tax cut of last year—was not responsible for any of the current damage.

That is not the Senate Republican Policy Committee saying that. That is the Washington Post.

Another quote:

> Given the twin shocks—

I have read that to you. It ends with:

> . . . fortuitously well timed.

That is again not mine, not the Republican Senatorial Committee. That is the Washington Post's summary of how their editors see things in terms of the stock market and other things related to the American economy.

Another quote:

> But to blame the weak American economy on Mr. Bush is nonsense.

That is the editorial of the Washington Post I am showing you here. Anyone who doesn't want to listen can read this and see what the Washington Post says. Let me proceed. I think the writers of the editorial have it just about right. The economic blame and the blame game that Leader DASCHLE and former Vice President Gore have launched is, for certain, wrong. There is little truth to it, and there is little economic veracity attendant. It is not accepted as being realistic by those in the highest echelons of economic terms and assessments in America.

From the long-term economic history, we know a speculative boom, once started, cannot end without some disruption. I believe the American public understands this, and understands that to blame the current weak economy on President George Bush is nonsense.

Having said that, I know we are engaged today, and for the next few days, in a serious discussion. Some would like to put the economy back front and center, and some think that would not be right. I believe we should proceed with dispatch to give the President the authority, if necessary, to see to it Saddam Hussein does not use weapons of mass destruction, and to use force, if he has to do that. I will speak in more detail and in more depth on that subject later on.

I think we are capable of discussing two major issues at the same time and getting them both right. We surely can discuss this issue the writers in the Washington Post editorial bring to our attention. I, for one, am not fearful of standing up and discussing that issue with anybody, any color of politics, any party that wants to talk about President Bush and the relevancy of his actions to the current status of the American economy.

I believe almost everything that was done—the lowering of the interest rates, extra expenditures that were put on rather than keeping the strings tightened around the budget and, obviously, a tax cut that came in just as the recession started to occur—I think we can discuss those and we can ask anyone around, what would you have done? They would come up with three of them, or two out of the three. When a President gets that done and he is starting his first term, and he has one body that is not of his party, it seems he deserves some very significant accolades. It is not every President who would have gotten that done.

I believe we all looked for the right way to do it and the right things to do—what we did in urging a tax cut, urging the Fed to lower interest rates, and making the strings a little bit looser instead of tighter so we can spend more money. Some other reason is causing the slowdown, but it is not President Bush and his policies. It is not what the Senate voted in when we were in the majority and carrying it out under the majority of the Democrats, who have the body by one vote. We must remember one of our Members became an Independent and now votes with the other side.

Whoever would like to discuss the American economy, I am willing. I have a lot of other Senators who are willing. We will be here whenever you care to speak about it, and we might be here even when you don't care about speaking about it. We may speak to it ourselves.

21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

Mr. BIDEN. Mr. President, I rise today to call attention to Section 2202 of the 21st Century Department of Justice Appropriations Authorization Act which directs the President—in consultation with the Attorney General, the Secretary of Health and Human Services and the Secretary of Education—to review all Federal drug and

substance abuse treatment, prevention, education and research programs and make recommendations about how to ''streamline, consolidate, coordinate, simplify, and more effectively conduct and deliver'' these services.

Mr. HATCH. I understand that this provision is intended to allow the administration to assess current treatment, prevention, education and research programs. The conference report directs the President to conduct the study. The President's logical choice to conduct this study would be Drug Czar John Walters, the President's point person on the drug issue, wouldn't you agree?

Mr. BIDEN. Yes, I would.

Mr. President, I want to make it clear that Section 2202 of the 21st Century Department of Justice Appropriations Authorization Act was not included because the Senate wants to cut substance abuse treatment, prevention, education and research programs. After all, when the Senate unanimously passed S. 304, the Drug Abuse Education, Prevention and Treatment Act, which Senators HATCH, LEAHY and I introduced, it went on record supporting an increase in funding for demand reduction programs, including providing treatment for some of the 3.9 million people in this country who need it but are not receiving it. I know that the President does not want to shrink these programs either. Recall that when he announced Mr. Walters' nomination to be drug czar, he said that ''the most effective way to reduce the supply of drugs in America is to reduce the demand for drugs in America'' and he pledged that his administration ''will focus unprecedented attention on the demand side of the problem.'' As I see it, the study is meant to assess current programs in order to identify where there may be duplication of effort and where we need to increase effort.

The belief that demand reduction programs are a valuable part of our national drug policy needs to guide this report. That does not mean that the authors should be afraid of recommending ways to deliver services more efficiently or to suggest that there is duplication of effort that needs to be streamlined. What it means is that the report should not be interpreted as a directive from Congress to decrease the level of effort dedicated to demand reduction.

Increasing access to treatment is critical. Drug addiction is a chronic relapsing disease. And as with other chronic relapsing diseases, such as diabetes, hypertension and asthma, there is no cure, although a number of treatments can effectively control the disease. According to the Journal of the American Medical Association, the rate of adherence to treatment programs and relapse rates are similar for drug addiction and other chronic diseases. That means that treatment for addiction works just as well as treatment for other chronic relapsing diseases. I hope these facts will be reflected in the drug czar's report, particularly in terms of relapse. We should not be skimping on the amount of time a patient spends in treatment because someone thinks that would be more efficient. In truth, it would be less efficient. Studies have shown that the longer a patient spends in treatment the more likely that patient is to stay off drugs. But even with the best treatment protocol, patients relapse. That does not mean that treatment does not work, however.

Research is another area where returns on investment are not always linear or predictable. But I believe that we need to be doing more research on new forms of treatment, particularly when it comes to developing new anti-addiction medications. In the last Congress, I worked with Senators LEVIN and HATCH and former Senator Moynihan to pass a law to allow qualified doctors to prescribe certain anti-addiction medications from their offices rather than requiring patients to pick them up at special clinics. The bill helps to move drug treatment using anti-addiction medications into the medical mainstream. And buprenorphine, the first medication that could be prescribed under the system created by the bill, is expected to be approved any day now. We need to develop additional medications for this new system to treat cocaine and methamphetamine addiction as well as to curb the cravings associated with addiction.

The last item that I would suggest that the drug czar keep in mind when drafting his report is the importance of prevention, particularly school-based prevention programs. After several years of a stable level of drug use in the United States, this year drug use is up 11 percent among 12 to 17-year-olds and 18 percent among 18 to 25-year-olds. It is vital that we increase our current efforts at preventing drug use among teens and young adults. After all, we know that if we can get a child through age 21 without abusing drugs, they are unlikely ever to do so.

My goal is not to dictate what the drug czar writes in his report. Rather, I want to make clear that when Congress directs that the drug czar write a report on how to ''streamline, consolidate, coordinate, simplify, and more effectively conduct and deliver'' Federal drug and substance abuse treatment, prevention, education and research programs, it does not mean that we are trying to minimize the importance of these programs. We are merely looking for guidance on how they could be delivered more effectively and more efficiently.

SENATOR JESSE HELMS

Mr. SHELBY. Mr. President, I rise today to pay tribute to North Carolina Senator JESSE HELMS, a dedicated public servant who has served with distinction for five terms in the United States Senate. During this time, Senator HELMS has had a tremendous influence on the issues which have faced our country and his reasoned and determined beliefs on foreign policy have helped to shape the direction of America's relationships around the globe. In doing so, Senator HELMS has always put the interests of the United States above all else, and his efforts were often rewarded with hard-fought concessions. Indeed, when others would hope to expedite and rush through legislation, it was often Senator HELMS who called for deliberation and patience. Senator HELMS truly understands the Senate's function as a deliberative body and takes to heart the great responsibility the Constitution has given the Senate in its role as a check to the powers of the Executive branch. I have had the pleasure to work with Senator HELMS for the past 16 years and it is with great appreciation and respect that I commend him for all of his meaningful work as he retires at the end of the 107th Congress.

Senator HELMS was born in Monroe, NC in 1921. A product of the public schools of Monroe county, he took to heart the lessons he learned early in life. A firm believer in family, respect for one's elders, morality, patriotism and religious faith, Senator HELMS has let these convictions be his guide throughout his life. After serving his country in the Navy during World War II, Senator HELMS came back to his home State as a city editor of the Raleigh Times. It was not long before he received his first exposure to Senatorial duties working as an Administrative Assistant to U.S. Senator Willis Smith and later for Senator Alton Lennon. Politics seemed to agree with Senator HELMS, for in 1952, he directed the radio-television division of the presidential campaign of Democratic Senator Richard B. Russell of Georgia. For the next 7 years, Senator HELMS served as the Executive Director of the North Carolina Bankers Association and editor of the Tarheel Banker, which grew under his guidance into the largest banking publication in the United States. Following this remarkable success, Senator HELMS in 1960 became the Vice-President, Vice-Chairman of the Board and assistant Chief Executive Officer of Capitol Broadcasting Company. It was from this post that Senator HELMS became a familiar voice in politics, filing daily editorials for WRAL–TV and the Tobacco Radio Network. Over the next 12 years, Senator HELMS became known as an articulate conservative across the nation, where his editorials were printed regularly in more than 200 newspapers throughout the United States and broadcast by more than 70 stations in North Carolina. Senator HELMS capitalized on his familiarity and popularity with the voters of North Carolina in 1972, when he was elected to the U.S. Senate on his first attempt at state-wide elective office. His election marked the beginning of a long and distinguished career in the Senate, where

Senator HELMS has been an active and consistent presence dedicated to preserving American freedom and liberty.

Senator HELMS has had a tremendous influence on policy matters over the last 30 years. He has been an outspoken critic of ceding American power to international organizations and an ever-vigilant watch dog of any treaty or agreement which may not be in the best interests of the United States. He has been a reliable conservative voice on many social issues and a consistent critic of government bureaucracy. Of his many achievements, Senator HELMS has been the most active through his position on the Foreign Relations Committee, which he took over as Chairman in 1994. He sponsored the Helms-Burton Act, which codified the U.S. trade embargo against Cuba and allowed lawsuits against foreign companies who benefitted from American property expropriated by Castro's Communist dictatorship. Senator HELMS also achieved another remarkable feat, when in 1998, he worked across the aisle to achieve passage of historic legislation reorganizing the State Department. Senator HELMS has also maintained flexibility in his thinking, working closely with other members of the Foreign Relations Committee to examine and solidify the relationship of the United States and the United Nations, examine trade relations with China and examine the policies surrounding U.S. foreign aid.

Senator HELMS has had a significant impact in his 30 years here in Washington. His absence from important policy decisions will truly be missed. Anyone who has dealt with Senator HELMS knows that he is a man whose conviction to his beliefs will not be easily swayed. They will also tell you that there are few people who are more congenial and charming than Senator HELMS. I wish he and his wife, Dorothy, and the rest of his family all the best. It is with great appreciation and admiration that I offer these words to commemorate his retirement.

ACHIEVEMENTS OF THE SENATE JUDICIARY COMMITTEE

Mr. LEAHY. Mr. President, today we held the 26th hearing for judicial nominees since the change in majority in the summer of 2001. The Judiciary Committee has now considered 103 nominees in less than 15 months. It took the Republican-controlled Senate 33 months—almost 3 full years—to hold hearings for 100 of President Clinton's judicial nominees, although more than 100 were pending well before that. We have reached that mark in less than half that time.

Since the summer of 2001, we have held more hearings for more judicial nominees—103 candidates—than in any comparable 15-month period of the 6½ years before the Senate changeover last year.

We have also held more hearings for circuit court nominees—20—than in any comparable period of that previous 6½ years, when our predecessors allowed an average of only seven circuit court nominees to be confirmed per year. In the past three weeks we held two back-to-back hearings for controversial circuit court nominees back to back. In contrast, at 11 of the judicial nomination hearings held during the prior period of Republican control, no circuit court nominees were on the agenda.

During their 6½ years of control of the Senate, there were also 30 months in which Republicans held no hearings at all. Democrats have held at least one hearing per month and have held almost two per month on average. We have been working nonstop to address the vacancy crisis we inherited. In the 6½ years of Republican control, before the reorganization of the committee last summer, vacancies on the Courts of Appeals more than doubled from 16 to 33 and overall vacancies rose from 65 to 110.

Added to that were the 47 new vacancies that have arisen since last summer. Thus, rather than 157 vacancies, with the 80 circuit and district court nominees we have confirmed, there are now 77 vacancies.

The President has yet to nominate anyone for 30 of these vacancies. With today's hearing for 7 judicial nominees, we will have held hearings for 21 of the 47 nominees currently pending.

Many of the 26 judicial nominees who have not yet had a hearing were nominated only recently toward the end of this congressional session. Due to the White House's refusal to allow ABA peer reviews to begin prior to nomination and because the ABA peer reviews have been taking between 50 and 60 days from the time of nomination, the White House knows that many of these late nominees will not have their files completed in time for hearings.

Thus, of the 26 who have not yet had a hearing, only seven have completed files—especially, ABA reviews and the consent of both of their home-State Senators. That is, the majority of the nominees who have not yet had a hearing—19—do not have completed files. Of the seven who are eligible for a hearing, but who have not yet had a hearing, six have relatively controversial records which require more review. The only remaining district court nominee did not have a complete file by the time the last hearing was noticed.

Accordingly, with today's hearing, since the changeover last year we will have held hearings for 103 of the 110 eligible judicial nominees with complete files. Thus, 94 percent of this President's judicial nominees who had completed files have been given hearings. This remarkable achievement is irrefutable evidence of the good-faith efforts we have made to restore order to the confirmation process—good faith efforts that we continue to hope will be matched by the White House.

I am certain that President Clinton would have been overcome with gratitude if the Republicans ever gave 94 percent of his judicial nominees hearings in the years Republicans controlled the confirmation process during his administration. They never did. Instead, in 1995 for example, Republicans allowed only 58 of the 86 pending judicial nominations of President Clinton to be confirmed, nowhere near 100 percent or even 90 percent.

In 1996, Republicans allowed only 17 of the 49 pending judicial nominees, or 35 percent, to be confirmed, and none were circuit court nominees. In 1997, Republicans allowed only 36 of the 79 Clinton nominees to be confirmed, or 46 percent. In 1998, Republicans allowed 66 of 92 pending judicial nominees to be confirmed. In 1999 they allowed only 33 of the 71 judicial nominees to be confirmed, about 46 percent, and in 2000 they allowed only 39 of the 81 pending judicial nominees to be confirmed, or 48 percent. Thus, during their 6 years of Senate control during the Clinton administration, Republicans allowed only about half of the judicial nominations to be confirmed on average per year. Their percentages are even worse for circuit court nominees. These are detailed in my floor statement of October 4.

To this point, the Senate Judiciary Committee has voted on more judicial nominees—83—and on more circuit court nominees—17—than in any comparable 15-month period of prior Republican control. The Democratic-led Senate has already confirmed 80 of the judicial nominations of President George W. Bush. In so doing, we have confirmed more judicial nominees in less than 15 months that were confirmed in the last 30 months that a Republican majority controlled the Senate. We have done more in half the time.

The expeditious pace should not be construed as a rush to process the appointment of judges to lifetime positions. I ask unanimous consent to print in the RECORD several recently published editorials from the Rutland Herald, the Barre Montpelier Times Argus and the Los Angeles Times. Each of these articles emphasize the important obligation of the Senate to thoroughly review the records of the President's judicial nominees. They serve as an important reminder that our outstanding record of treating President Bush's nominees more fairly and more expeditiously than President Clinton's nominees were treated.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Oct. 3, 2002]

CAUTION ON COURT NOMINEES

Since George Washington took the oath of office, U.S. presidents have nominated 140 men and women to the Supreme Court and many more to the federal courts of appeal and trial courts. In two centuries, the Senatee has rejected 11 Supreme Court nominees and an uncertain number of prospective lower court judges. Seven others withdrew their high court nominations, some to avoid likely defeat.

The Senate has blocked ideologues, including die-hard Federalists during the 18th and early 19th centuries, who it concluded would not put aside their political beliefs on the bench. It killed the nominations of men viewed as shills for special interests and rejected others for being ethically compromised or simply not smart enough or wise enough to sit on federal courts for life.

That history matters as the Senate Judiciary Committee considers Dennis Shedd, Michael McConnell and Miguel Estrada for seats on the U.S. Court of Appeals. Republicans insist that the Senate panel, now with a one-vote Democratic edge, has dragged its feet in confirming President Bush's picks and that the tough questions senators have asked these three men and others about their judicial philosophy and temperament are a partisan effort to destroy the reputations of qualified men and women. Neither charge holds water.

In the 14 months since the Democrats took narrow control of the Senate, the Judiciary Committee has confirmed 78 judges, 14 of them to appellate courts. That compares with an average of 39 confirmations a year during the six-plus years of Republican control.

The committee has readily approved men and women more centrist in their views and more likely to be fair-minded on the bench. But committee members are right to hestitate over Shedd, McConnell and Estrada.

Shedd has published a scant 60 opinions in 12 years as a judge. He has backed employers against claims by workers almost without exception. In criminal cases, he has generously interpreted the law to favor police. He held quixotically that the federal family leave law does not apply to state employees, a ruling that, by extension, could invalidate other federal civil rights protections for state workers.

McConnell has repeatedly asserted that Supreme Court precedents should not bind the current court. He has argued before the Supreme Court that religious schools should receive certain types of government aid on the same basis as public schools.

Estrada, a corporate lawyer who helped make Bush's case in the Florida recount battle, has virtually no public writings and no judicial experience. The committee needs to see the memos he wrote at the U.S. solicitor general's office, which Atty. Gen. John Ashcroft has refused to release.

The Senate's obligation in confirming judges is to the people, not the president. All three men now before the Judiciary Committee should give members pause.

[From the Rutland Herald, Oct. 7, 2002]

MESSE OFF BASE CRITIZING LEAHY

(By Leslie Black)

Former Attorney General Ed Meese and his so-called ''truth squad'' have a nerve coming to Vermont to berate Senator Leahy and insult the intelligence of Vermont citizens.

Senator Leahy, in his important role as chair of the Senate Judiciary Committee, is holding hearings on judicial nominations responsibily and admirably. He has demonstrated a commitment to choosing judges for the federal bench who are willing to uphold the U.S. Constitution.

Meese would prefer to see President Bush's anti-women's rights, anti-civil rights nominees confirmed, and he came to Vermont to spread poisonous misinformation about Senator Leahy to the senator's own constituents.

Vermont citizens don't need any of Meese's versions of the ''truth.'' We know who represents us in the United States Senate, and what he stands for. We wholeheartedly support Senator Leahy's considered choice of federal judges and his respect for law. We have confidence in his ability to do his job honorably.

[From the Barre Montpelier Times Argus, Apr. 23, 2002]

DEFENDING LEAHY

(By Edwin Granai)

Sen. Leahy has been accused by some Vermont Republicans of partisanship for not confirming Charles Pickering's nomination to the 5th Circuit Court of Appeals.

On the contrary, the Republican members of Leahy's committee voted the party line in support of a judge whose judicial record was often devoid of impartial objective considerations relating to existing law, and most importantly, to constitutional provisions.

Aside from the Pickering nomination, the fact is that under Leahy's chairmanship the Senate Judiciary Committee has approved 42 consecutive Bush administration appointees to the federal bench, including, though not Pickering, the 5th Circuit Court of Appeals.

Forty-two approvals out of 43 Bush nominations can hardly be considered partisan. Orrin Hatch, Leahy's Republican predecessor as chairman, sat on 53 of Clinton nominees. Didn't even give them a hearing. The partisanship in the Senate is clearly with the party of Leahy's accusers.

Patrick Leahy may be imperfect along with the rest of us. But as chairman of the Senate Judiciary Committee he has restored fairness and objectivity to the advise-and-consent role of the Senate.

[From The Barre Montpelier Times Argus, May 15, 2002]

POLITICAL TRIAGE

Edwin Meese, former U.S. attorney general, came to Montpelier on Monday to apply a bit of political pressure aimed at forcing Sen. Patrick Leahy to take speedier action in confirming judicial nominations.

Leahy, chairman of the Senate Judiciary Committee, has responsibility for holding hearings on President Bush's nominees to the federal bench. Bush himself has criticized the delays to which he says Leahy has subjected his nominees, saying vacancies on the bench threaten the administration of justice.

That was also the pitch made by Meese on Monday. His was another voice in the partisan wrangling that surrounds the issue. But Meese needn't have bothered.

Vermont Republicans no doubt took comfort in the boost their cause received from Meese's appearance. But on the whole, Vermonters are probably pleased by the idea that Leahy is giving Bush's more extreme nominees a closer look.

Leahy has played a shrewd game on the issue. Contrary to the accusations of his Republican opponents, he has actually been more efficient than his Republican predecessors in taking action on judicial nominees.

Figures from Leahy's office show that the number of vacancies on the bench grew from 65 to 110 from 1995 to 2001 when Republicans controlled the committee. That was a time when Sen. Orrin Hatch, the Republican chairman, failed to give a hearing to numerous nominees sent up by President Clinton.

By contrast Leahy's committee has already confirmed 52 Bush nominees, which exceeds the number of nominees confirmed by the Republican Senate during the final four years of Clinton's presidency. And the number of vacancies has fallen to 84.

So what are the Republicans complaining about?

They are complaining because, even though Leahy is moving quickly to confirm nominees, he is not moving so quickly on all of them. Those whom the Democrats view as extreme conservatives are getting a long, careful look from the committee, and their hearings have been delayed.

The committee has already rejected the nomination of Charles Pickering for the Fifth Circuit Court of Appeals. But a nomination fight like that over Pickering takes a political toll, and Leahy knows he cannot subject his committee to that kind of grueling battle on all questionable candidates.

When the Republicans controlled the Senate, they understood the strategic value of delay. They defeated 24 Clinton nominees to the appellate courts, but they did not defeat them by an outright vote. They refused to allow a vote.

Leahy has urged Bush to nominate moderate judges around whom his committee can reach a consensus. But among Bush's nominees there is a cadre of extreme conservatives with questionable records on women's rights, workers' rights, and consumers' rights.

So Leahy is performing a sort of political triage. There are so many judges to confirm that, in order to move quickly, he has decided to act on those who can be confirmed quickly. That leaves the more controversial nominees cooling their heels.

When Sen. James Jeffords abandoned the Republican Party, he made it possible for Leahy to assume the chairmanship of the Judiciary Committee. Jeffords was concerned about the extremist tendencies of the Bush administration, and now Leahy has been able to exercise power to moderate those extremist tendencies.

Meese should know that most Vermonters were pleased that Jeffords gave Leahy that chance and that Leahy is making the most of the opportunity.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred October 1, 2000 in Traverse City, MI. A 23-year-old bartender at a gay bar was attacked as he was removing the trash out of the back door of the building around 2 a.m. An attacker grabbed him by the shoulders and began shouting ''faggot'' and other obscenities at him. Moments later, two other men jumped into the ally, one brandishing a baseball bat. The bartender was able to run away after the initial attack, but was assaulted again after trying to return to the club several minutes later.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

HONORING DR. SALVATOR ALTCHEK

Mr. DODD. Mr. President, I rise today to pay tribute to Dr. Salvator Altchek, the beloved ''$5 doctor'' of Brooklyn, NY, who passed away last month at the age of 92. I ask unanimous consent to print in the RECORD the beautiful obituary commemorating the life of Dr. Altchek written by Douglas Martin of the New York Times.

Dr. Altchek was warmly known as ''the $5 doctor'' because he spent virtually his entire 67-year career treating anyone who showed up at his basement office in a working class section of Brooklyn Heights, charging them little or nothing for his services.

Despite treating thousands of people, and delivering thousands of babies, most people never heard of Dr. Altchek. That's because he sought neither fame nor fortune. His only goal in life was to help as many people as possible. In so doing, he touched the lives of so many individuals and so many families. He was truly an American treasure.

I leave it to the words of Douglas Martin's obituary to tell the story of Dr. Salvator Altchek, whose lifetime of selfless devotion to helping strangers will continue to serve as an inspiration to us all. I urge all of my colleagues to read this special tribute to a very, very special American.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 15, 2002]

SALVATOR ALTCHEK, ''THE $5 DOCTOR'' OF BROOKLYN, DIES AT 92

(By Douglas Martin)

Salvator Altchek, known for 67 years as the $5 doctor to the melting pot of Brooklyn, especially the poorer residents of affluent Brooklyn Heights, died on Tuesday. He was 92.

He continued to work until two months ago, but gave up house calls five years ago. He delivered thousands of babies and generally attended to the health needs of anyone who showed up at his basement office in the Joralemon Street row house in the Heights where he lived, charging $5 or $10 when he charged at all. The office, with its faded wallpaper of Parisian scenes, cracked leather furniture and antique medical devices, had not changed much since Jimmy Rios got his first penicillin shot there half a century ago.

''You could walk into his office and he could tell you what you had before you sat down,'' Mr. Rios said.

Dr. Altchek often made his house calls on foot, carrying his black medical bag. He treated the poorest people, angering his wife by sending one away with his own winter coat. He welcomed longshoremen and lawyers, store owners and streetwalkers. One patient insisted on always paying him $100 to make up for some of those who could not pay at all.

A few years ago, a homeless man knocked on his door and said he had walked all the way from Long Island to have a wounded finger treated. He had last seen the doctor as a toddler growing up in Brooklyn Heights more than 50 years before.

The doctor sometimes greeted 70-year-olds he had delivered. While it is unclear whether he was the oldest and longest-working physician in the city, he was very likely the only one nicknamed ''the $5 doctor.'' When his practice opened, he treated Arab-Americans around Atlantic Avenue and was the favored doctor of the Puerto Ricans who began to live in the row houses of Columbia Place, near the waterfront, in the 1930's.

''He wasn't out to make money; he was out to help people,'' said Sara Mercado, whose daughter was delivered by Dr. Altchek. People in her family were among his first patients.

Ramon Colon, in his book about a Puerto Rican leader, ''Carlos Tapia: A Puerto Rican Hero in New York'' (Vantage, 1976), wrote:

''He is a physician who treated the poor and never asked for money from the oppressed community. they paid when they had it, and he treated them as though they were Park Avenue residents.''

Salvator Altchek was born in 1910 in Salonika, then part of the Turkish Ottoman Empire, now part of Greece. As Sephardic Jews, with roots long ago in Spain, the Altcheks spoke Ladino, a form of Spanish spoken by Sephardim that dates back to the 15th century.

The family became part of New York's ethnic rainbow when his father, David, who spoke a half-dozen additional languages, brought the family to the city in 1914, in steerage. They lived at first on the Lower East Side, but moved to Spanish Harlem, where they felt more comfortable with Spanish-speaking people.

Dr. Altchek's father took a variety of jobs, including selling fudge at Macy's. But as a professional fermentation engineer, his main income, even during Prohibition, came from the ouzo, cherry brandy and wine he discreetly made and sold.

Salvator Altchek and his seven brothers and sisters made deliveries. In a favorite family story, he delivered wine to a buyer who admired it and speculated on the vintage.

''That's fresh,'' the boy chirped. ''He just made it.''

He graduated from Columbia and attended New York Medical College, then in Manhattan and now in Westchester County. Emanuel Altchek, the oldest brother and the first of three of the brothers to graduate from medical school, paid Salvator's tuition. Salvator, in turn, paid his brother Victor's way.

Salvator Altchek worked in Prospect Heights Hospital, long since closed. But he decided that he wanted his own practice. For more than half a century, he began his workday at 8 a.m., took a half-hour off for dinner at 5 p.m. and closed the office door at 8. He then made house calls, often until midnight.

He knew everyone, and everyone knew him. Walking down a street, he would recognize gay lovers, Mafia soldiers and prominent lawyers. He often greeted someone by grabbing his hand and taking his pulse. His passion for preventive medicine surpassed his tact.

''Hello, dear, you're looking well,'' he would say to a patient. ''You put on a little weight, didn't you?''

When his wife, Blanche, died 32 years ago, he fell into a depression. His sister Stella Shapiro heard him advise a patient to find another doctor. But he gradually recovered by throwing himself into his work.

He never remarried and was especially proud of the tall linden tree in front of his house, which he dedicated to his wife. He built a bench around it that neighbors and strollers could use.

In addition to his brother Victor and sister Stella, both of Manhattan, he is survived by his daughters, Susan Aroldi of Saddle River, N.J., and Phyllis Sanguinetti of Buenos Aires; four grandchildren; and five great-grandchildren.

Dr. Altchek was a constant personality in a neighborhood that changed many times, from proper society enclave to wartime boardinghouse district to artistic bohemia to haven for young professionals. When Truman Capote, then a Brooklyn Heights resident, invited him to his famed Black and White Ball in 1966, the doctor did not know who Capote was until he finally recalled his face from the steam bath of the St. George Hotel, Caren Pauley, a niece, said.

Once when he was held up at gunpoint, Dr. Altchek said he could not give the would-be robber any money because he had a date with an attractive woman, Ms. Pauley recalled. The robber, recognizing him, reached into his pocket and gave him $10.

Dr. Ozgun Tasdemir, a physician who immigrated from Turkey, made Turkish candy for him, having noticed his cache of Turkish desserts in the office refrigerator. She said he brought the latest literature on her ailment to share with her.

Dr. Altchek stopped making house calls only when he could no longer walk up steps easily. He did not renew his malpractice insurance when it expired in July. He began calling up other doctors, asking them to take his patients who had no insurance.

His brother Victor said that Dr. Altchek had correctly diagnosed the abdominal condition that led to his own death. His last spoken thought was to remember that he owed a patient a medical report.

NATIONAL 4–H YOUTH DEVELOPMENT PROGRAM WEEK

Mr. DEWINE. Mr. President, I rise today, along with my friend and colleague from Oklahoma, Senator INHOFE, to pay tribute to 4–H, one of the strongest youth organizations in the country. I am proud to be a cosponsor of the legislation that Senator INHOFE introduced recently to designate October 6, 2002, through October 12, 2002, as ''National 4–H Youth Development Program Week.''

4–H began in Clark County, OH. Just minutes away from where I grew up. In 1902, a century ago this year, A.B. Graham established a ''Boys' and Girls' Agricultural Club.'' There were approximately 85 children who attended that first meeting in the basement of the Clark County Courthouse in Springfield, OH. This was the start of what would be called a ''4–H Club'' within a few years. The first projects included food preservation, gardening and beginning agriculture.

4–H has grown from its 85 original members to approximately 300,000 in Ohio and over 6.8 million nationwide. One out of every six people in Ohio has been or is currently involved with 4–H youth development programs either as a member, parent, volunteer, or donor. The project selection has also grown from the original three to over 200. A sampling of today's projects include health, family life, photography, aerospace science, bicycles, natural resources, safety, horticulture and nutrition.

We need organizations, like 4–H, to help guide our next generation of agriculturists, teachers, and even elected officials toward a better tomorrow. I

also am proud to say, that my wife, Fran, and I have had children go through the 4–H program for 24 straight years now, in fact, last year was our eighth and youngest child Anna's first year in 4–H.

4–H clubs have expanded from rural to urban areas, where they provide a new group of kids with essential leadership skills and community service involvement. National 4–H conferences have even become platforms for presidents and other national officials to voice their ideas for agriculture and other policies.

Although today's 4–H organization may be larger than the original 100 members and our communication has increased from town meetings to Internet chat rooms, the organization's principles of Head, Heart, Hands, and Health remain the same. Without question, the lessons and skills 4–H members learn will last a lifetime.

I am pleased to report that in Ohio, 4–H members, Nationwide Insurance, and the Ohio Farm Bureau have teamed together to create a brand new 4–H Center on the campus of The Ohio State University. The groundbreaking ceremony occurred just last month. This new Center will provide research, teaching resources, and service opportunities for youth, adult volunteers, and community organizations. The development of this Center is a result of partnerships, one of the many skills our youth learn through 4–H.

In closing, I take this opportunity to challenge other Senators to become involved in 4–H either as a parent or volunteer. I guarantee it will be one of the most rewarding experiences of their lives.

Mr. FITZGERALD. Mr. President, I rise today to recognize the week of October 6 as National 4–H Youth Development Program Week.

The need to provide a quality education and opportunities for our youth is ever-present. In order to ensure that our country continues to progress, we must encourage our youth to take active roles in their schools and their communities.

One hundred years ago, groups of concerned community members organized boys' and girls' agricultural clubs to provide better agricultural education to young people. These clubs adopted a model of learning by doing, and their popularity continued to grow. By addressing the needs of the local community, these small boys and girls clubs rapidly evolved into the National 4–H Program that now can be found in communities across America.

Today, 7 million youth and 50 million 4–H alumni participate in over 1,000 4–H programs, ranging from robotics and biotechnology to skateboarding and agriculture. These programs provide opportunities for youth to participate in innovative programs through which they can develop valuable, lifelong skills.

During my tenure as a U.S. Senator, I have enjoyed meeting with 4–H leaders and members throughout the State of Illinois, and have seen first-hand how the 4–H program has changed the lives of our young people. I have also appreciated the extraordinary dedication that 4–H leaders bring to their clubs.

It was with pride that I cosponsored the resolution submitted by Senator INHOFE and Senator STABENOW declaring the week of October 6 as ''National 4–H Youth Development Program Week.'' I hope that the 4–H program will build on the successes of the last one hundred years and hold true to the 4–H motto ''to make the best better'' in the years to come.

TRIBUTE TO ELECTION JUDGES

Mr. DAYTON. Mr. President, I am pleased today to pay tribute to those Americans who play a very special role in our democracy, the citizens who volunteer to serve as election judges. They work at the polls on Election Day, safeguarding our most precious right as Americans, the right to choose our leaders whom we then trust to govern, legislate on our behalf, and protect our rights and freedoms. Having received training in election laws and rules, judges open and close the polls, making a formidable commitment of time, energy, and stamina to work all day, often from before dawn until after dark. Some judges must promise to remain inside the polling place all day. They distribute ballots, tend to ballot boxes, count ballots, strictly adhering to prescribed procedures to ensure secrecy and accuracy of election materials. The judges process absentee ballots, help voters who require assistance, register new voters, and make certain that only qualified voters are permitted to vote. Recent history has taught us, all too dramatically, how important this process of validation is.

To undertake this form of volunteer service is truly to exercise one's civic responsibility while also facilitating that right and duty for one's fellow citizens. While voters with strong party interests might be drawn to the position, a judge's job is not to influence voters. To be an election judge is to be a citizen-activist on a very basic, very human level. The activities of a judge, although routine, figure among the most rewarding and meaningful that an ordinary citizen can perform. Older Americans, especially retirees, regard it as a welcome way to keep in touch with what's happening in the broader community and to connect with their neighbors.

Election judges are people of character and dedication. The official functions they pledge to perform are honorable and indispensable to our society. On Election Day, November 5th, many thousands of fine Americans will invest their time by fulfilling the role of election judge. We are most fortunate to have these conscientious citizens. I am proud to express my appreciation for their valuable service which makes our form of government work.

ADDITIONAL STATEMENTS

HEALTH CARE HERO

• Mr. SMITH of Oregon. Mr. President, today I rise to salute Terry O. Finklein, a true healthcare and community hero for Oregon. Terry is the chief executive officer of Columbia Memorial Hospital in Astoria, OR. Columbia Memorial evolved from the north coast's oldest hospital in 1927, and has served the people of Clatsop County, OR for generations.

Not long ago, Columbia Memorial Hospital was on the brink of closing because of financial problems. Terry arrived at Columbia Memorial in late 1989 and promptly turned the financially troubled hospital around. When you lead a rural hospital, financial heroics are an ongoing necessity.

Over the last decade Terry's accomplishments include implementation of a $3.5 million dollar hospital building project, successive 3-year JCAHO accreditations, creation of a Home Health Care program and the establishment of a Medicare certified hospice program.

Terry is counted among the pioneers of Oregon's statewide trauma system. He built a helipad on Columbia Memorial's front lawn, something everyone swore ''couldn't be done'', brought the hospital's Emergency Room and staff up to a standard of excellence that earned the hospital State designation as a Level III Trauma Center, and doubled the size of the ER.

Last year, Terry's community lost the services of five physicians in one week with the closure of a clinic. As most of my colleagues from rural States know, physician recruitment in rural communities is tough. So is the clinic business. In order to ensure that the residents of Clatsop County had access to stable health care, Terry took Columbia Memorial into the non-profit clinic business. He implemented the Columbia Memorial Hospital Women's Center, which is now staffed by three excellent physicians and a certified nurse midwife.

Statistically, Clatsop County's children are an at-risk population. Terry decided to tackle this issue at its roots by administering the Healthy Families program of Clatsop County. This program offers at-risk babies and parents a ''how to'' helping hand with regular home visits and access to other agencies as needed.

In Clatsop County, 45 percent of the population has incomes at or below 200 percent of the federal poverty level. Combine that with a shortage of physicians, and access to health care becomes a major issue. About a year ago, Terry envisioned a federally funded clinic. ''It can't be done,'' folks said. This time Terry went directly to his community partners for support. He received dozens of letters of support. He funded and implemented research and a grant proposal. He spent, and still spends, hours on project implementation.

In December of this year, the Coastal Family Health Center will open for business. It will provide general health care, dental care and mental health services in a community where these services are desperately needed.

For his service and dedication to the health of the people in Clatsop County, OR, I salute Terry O. Finklein, a true hero for Oregon.●

COMMENDING ISRAEL BROOKS

● Mr. HOLLINGS. Mr. President, I want to pay tribute to Israel Brooks, a native of Newberry County, SC, as he retires from a 35-year career in law enforcement, most recently as the U.S. Marshal for the District of South Carolina.

In March of 1994, I nominated Mr. Brooks to that important position, and I believe his record in the past eight years has proven what this Senator has long felt: it is one of the best nominations I ever made. He has served with such great distinction that in 1996 the District of South Carolina, under Mr. Brooks' leadership, earned the ''Distinguished District of the Year Award'' for being the best in the nation in efficiency, service, and work ethics.

Mr. Brooks served in the South Carolina Highway Patrol, being promoted through the ranks all the way up to Major. He served his country as a U.S. Marine. He also served his community, devoting an incredible amount of time and effort to helping elementary, junior high, and senior high students throughout the state.

We will miss Mr. Brooks. I know all the Senators in this body not only thank him for his many achievements, but wish him and his family all the best.●

MEASURE PLACED ON THE CALENDAR

The Committee on Indian Affairs was discharged from further consideration of the following bill, which was placed on the calendar:

S. 2018. A bill to establish the T'uf Shur Bein Preservation Trust Area within the Cibola National Forest in the State of New Mexico to resolve a land claim involving the Sandia Mountain Wilderness, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WYDEN (for himself and Mr. HATCH):

S. 3063. A bill to establish a Citizens Health Care Working Group to facilitate public debate about how to improve the health care system for Americans and to provide for a vote by Congress on the recommendations that are derived from this debate; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Florida:

S. 3064. A bill to prohibit the use of patient databases for marketing without the express consent of the patient; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HUTCHINSON (for himself, Mr. INHOFE, and Mr. SCHUMER):

S. 3065. A bill to provide exceptions to empowerment zone eligibility criteria; to the Committee on Finance.

By Mr. INOUYE:

S. 3066. A bill to improve programs relating to Indian tribes; to the Committee on Indian Affairs.

By Mr. THOMPSON:

S. 3067. A bill to amend title 44, United States Code, to make Government information security reform permanent, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SPECTER:

S. 3068. A bill to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to use the price of feed grains and other cash expenses as factors to determine the basic formula price for milk under milk marketing orders; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself and Mr. LOTT):

S. Res. 335. A resolution relative to the death of Jo-Anne Coe; considered and agreed to.

By Mr. BOND:

S. Con. Res. 150. A concurrent resolution welcoming Her Majesty Queen Sirikit of Thailand on her visit to the United States, and for other purposes; considered and agreed to.

ADDITIONAL COSPONSORS

S. 830

At the request of Mr. CHAFEE, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 874

At the request of Mr. TORRICELLI, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 874, a bill to require health plans to include infertility benefits, and for other purposes.

S. 1129

At the request of Mr. WARNER, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1129, a bill to increase the rate of pay for certain offices and positions within the executive and judicial branches of the Government, respectively, and for other purposes.

S. 2215

At the request of Mrs. BOXER, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2215, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and by so doing hold Syria accountable for its role in the Middle East, and for other purposes.

S. 2562

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2562, a bill to expand research regarding inflammatory bowel disease, and for other purposes.

S. 2608

At the request of Mr. HOLLINGS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2608, a bill to amend the Coastal Zone Management Act of 1972 to authorize the acquisition of coastal areas in order better to ensure their protection from conversion or development.

S. 2903

At the request of Mr. SMITH of Oregon, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2903, a bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care.

S. 2943

At the request of Mr. FEINGOLD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2943, a bill to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts.

S. 3009

At the request of Mr. WELLSTONE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3009, a bill to provide economic security for America's workers.

S. 3018

At the request of Mr. HUTCHINSON, his name was added as a cosponsor of S. 3018, a bill to amend title XVIII of the Social Security Act to enhance beneficiary access to quality health care services under the medicare program, and for other purposes.

S. 3049

At the request of Mr. ALLEN, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 3049, a bill to prohibit the Administrator of the Environmental Protection Agency from issuing or renewing certain national pollutant discharge elimination system permits.

S.J. RES. 46

At the request of Mr. LIEBERMAN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S.J. Res. 46, a joint resolution to authorize the use of United States Armed Forces against Iraq.

S. RES. 266

At the request of Mr. VOINOVICH, his name was added as a cosponsor of S. Res. 266, a resolution designating October 10, 2002, as ''Put the Brakes on Fatalities Day''.

S. RES. 333

At the request of Mr. HUTCHINSON, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Iowa (Mr. GRASSLEY), the Senator from Wyoming (Mr. THOMAS), and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. Res. 333, a resolution expressing the sense of the Senate relating to a dispute between the Pacific Maritime Association and the International Longshore and Warehouse Union.

S. CON. RES. 142

At the request of Mr. SMITH of Oregon, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Con. Res. 142, a concurrent resolution expressing support for the goals and ideas of a day of tribute to all firefighters who have died in the line of duty and recognizing the important mission of the Fallen Firefighters Foundation in assisting family members to overcome the loss of their fallen heroes.

S. CON. RES. 146

At the request of Mrs. LINCOLN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Con. Res. 146, a concurrent resolution supporting the goals and ideas of National Take Your Kids to Vote Day.

S. CON. RES. 149

At the request of Mr. LEVIN, his name was added as a cosponsor of S. Con. Res. 149, a concurrent resolution recognizing the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to baseball and the Nation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself and Mr. HATCH):

S. 3063. A bill to establish a Citizens Health Care Working Group to facilitate public debate about how to improve the health care system for Americans and to provide for a vote by Congress on the recommendations that are derived from this debate; to the Committee on Health, Education, Labor, and Pensions.

Mr. WYDEN. Mr. President, today I join with Senator ORRIN HATCH, one of the most caring and thoughtful public officials I have ever known, in offering a bipartisan roadmap to creating a health care system that works for all Americans. Our country has been trying to find such a path since President Harry Truman's proposal to cover all Americans was voted down in 1945. I believe the Wyden-Hatch proposal can succeed after 57 years of failure because our bipartisan plan begins with the public discussing and deciding their health care priorities, followed by a guarantee Congress will actually vote on the recommendations that result from this grassroots debate.

This approach has never been tried before. Now, when major health laws are written, politicians sit down and prescribe what benefits will be offered, and then try to come up with the money to pay for them. After the politicians write their plans, the special interest lobbies start attacking one feature or another through shrill television commercials. Pretty soon, the public gets understandably confused, the chance for building consensus is lost, and important health care needs go unmet.

The 280 million Americans whose survival depends on quality, affordable health care have never been given the chance to shape their health care future before the special interest lobbyists weigh in. The Wyden-Hatch bill changes that. Under our proposal, the public gets to jump-start health reform by stating their priorities at the outset, rather than being treated as an afterthought. We believe our legislation can serve as an illuminated route to a health care system where each American has the ability to obtain quality, affordable health care coverage. We placed three signposts on our roadmap to provide guidance to the American people and their elected officials as they make the tough choices inherent in tackling health care reform.

At the first signpost, the public is given an extensive opportunity, in their home communities and on line, to state their personal health care priorities and how they should be paid for. In addition, the public will be asked to look beyond their personal needs, to those of the community at large, and how those needs should be paid for.

Our legislation forthrightly asks the questions that must be answered to have meaningful health reform—questions such as: What kind of health care do you want most? How much are you willing to pay? How should costs be contained without sacrificing the quality of care? Should the Government or private businesses be required to pay a portion of your costs? How about those of your neighbors?

Our national Government has never directly asked the public these questions. After asking these questions, the Government ought to keep quiet for a bit and listen to the people because without some sense of the public's view, it is always going to be virtually impossible to create a health care system that works for everyone, with the consensus that is needed to get it done.

To ask the key questions and follow up on the suggestions given by the American people, the Wyden-Hatch legislation creates a Citizens' Health Care Working Group. The Working Group is made up of a representative cross-section of our people. It is not just another Washington, DC commission of so-called policy experts.

The Working Group directs the public participation portion of this proposal. For example, as a guide to help the public in formulating their views on the tough choices that lie ahead, the Wyden-Hatch legislation directs the Working Group to prepare and make widely available a ''Health Report to the American People.''

The legislation we have authored requires that this report be written in understandable language and describe the cost and availability of the major public and private health choices now available—and also contain enough information so the public can create alternatives. Here are the kinds of issues we want to address: ''If covering liver transplants under government health programs requires cutting other services, what services are you willing to cut, or would you rather not have liver transplants covered? If government coverage of long-term care for the elderly would require workers to begin contributing to the program at age 40, is it still worth it to you?''

These are moral choices about what health care the public has a right to expect. These are economic choices that affect the finances of our families. These are legal and social choices that will be difficult for our people to make. The Wyden-Hatch proposal is built around the proposition that these choices are too important to duck any longer.

After establishing a sense of how the public feels about these hard choices, the legislation directs that the Working Group move to the second signpost on our roadmap. There the Working Group is to take the ideas offered by the American people, and translate these views into recommendations for our elected officials to create a health care system that works for all. With the Working Group's involvement in the public participation requirement of this legislation, we believe they are the right people to take this historic step: to synthesize the opinions and information provided by the public and then present a faithful picture to Congress.

At the third signpost, the Congress takes the recommendations from the Working Group and utilizes the legislative process to develop one or more plans for the recommendations, with a guarantee to the public that the plans will be voted on in both Houses of Congress. We believe that the assurance that Congress will vote after the public's will is expressed provides an added measure of credibility for this legislation. Simply put, people will be able to see their voices, their participation, lead to actual votes on the floors of both Houses of Congress to create a health care system that works for all. With these steps I have described, our country can as never before discuss, decide and deliver on health care reforms.

I know there will be many questions about this proposal, and I'll try to answer them in the coming days. I'd like to briefly answer just one question I've already been asked: ''Why now? This is the end of the Congressional session; we are all concerned about the possibility of war with Iraq. Why are you putting this before Congress today?''

My answer is that the lack of decent health care for so many Americans,

and the skyrocketing costs of coverage for insured Americans, threaten countless lives and our economic security just as tenaciously as any foreign enemy our Nation has ever faced. Just as we are beginning a debate about how best to address the Nation's security interests, it is high time Congress resumed the debate about how to address the inequities and failures of the American health care system.

On health care, our families can't afford to wait any longer. Congress is completing another session without significant progress on major health care issues. A demographic tsunami of baby boomer retirees is coming soon. It is increasingly evident that piecemeal health reform—considering prescription drugs one day, patients' rights legislation the next, something else after that—isn't working.

I have no intention on giving up on any one of those important issues when it's possible to get Congress to consider them separately. I still believe the bipartisan prescription drug bill I authored with OLYMPIA SNOWE could bring the Senate together and help seniors get and afford prescription medicine now.

Yet is clear that because health care is like an ecosystem, with one part affecting all others, it is extremely difficult to make real progress on a single important issue without factoring in the way it will ripple through our entire health care system.

So as the Congress pushes ahead on prescriptions and other urgent needs, let us simultaneously reopen the debate about creating a health care system that works for all. That debate stopped in 1994, and needs to begin again. The Wyden-Hatch bill provides an opportunity to reopen this debate, and by introducing our bill now we believe it will be ready for full Congressional deliberation when the next Congress begins in January.

One way or another, it is urgent that Congress find a way to do better by the people's health care needs.

My constituents at home in Oregon make this case constantly. At town meetings, Chamber of Commerce lunches, labor halls, non-profit board meetings, after church coffee hours, and especially at my ''sidewalk office hours'' where I just set up a card table to listen, they ask, ''RON, when's Congress going to get going on health care and help us out?''

One Oregon business after another has been telling me their health premiums are going up by as much as 20 percent a year. The number of uninsured is going up, with many of these individuals working at small businesses whose owners desperately want to offer health coverage and can't figure out how to do it and keep their doors open. Many physicians have been leaving government health programs because of inadequate reimbursements. Thousands and thousands of pages of health care regulations now exist and the system is almost choking on all the bureaucracy.

We know that America's health care system is scientifically prodigious. Every day our dedicated and caring health care providers are performing miracles. Last year more than $1.4 trillion was spent on health care in America. Divide that sum by the number of Americans, and there would be enough for every family of four to receive more than $18,000 for health care. With all this money, and so much talent and creativity in America, shouldn't it be possible to create a health system that works for everyone?

Senator HATCH and I believe it is. We know it will be hard, but we believe it can be done if our roadmap is used.

For example, to achieve real reform our elected officials are going to have to reject the blame game. Republicans can no longer say the problem in health care is primarily the trial lawyers. Democrats can no longer say the problem in health care is primarily the insurance companies. All—let me repeat, all—of the powerful lobbies are going to have to accept some changes they have rejected in the past if America is to have a health care system that works for everyone. I believe that's what we'll hear from the public if they're given the chance to discuss and decide their health care priorities as the Wyden-Hatch legislation envisions.

Before I wrap up, I wish to offer a few thank yous.

The first thank you is to the people of Oregon. They have honored me with a chance to serve, and I get up every morning feeling like the luckiest guy around. It was not very long ago, as co-director of the Oregonian Gray Panthers, I was driving to senior citizens meetings in a beat-up station wagon, and I never thought I would have the privilege of being able to serve in this capacity.

Oregonians can see I have modeled much of this legislation after the debate that Oregon has had on health care. And we are proud that we are the first of the initiatives to ask the tough questions.

Oregonians began asking those difficult questions more than a decade ago in community meetings, for one reason: Gov. John Kitzhaber, an emergency room physician, insisted that we do it. He deserves great credit for his efforts, his courage, and his tenacity. When I told him I was going to push Congress to build on Oregon's public process, the Governor said: Go for it.

Senator HATCH—and I note that Senator HATCH is in the Chamber this morning—could easily have said he wanted no part of this whole discussion. Senator HATCH has written several vital health care laws, from his S-CHIP legislation, to his community health centers bill, to the Hatch-Waxman legislation, to make sure there are pharmaceuticals available for the public, and that they are affordable. All of those pieces of legislation have made a huge contribution.

Senator HATCH has about the fullest plate in the Senate, with his Judiciary and Intelligence responsibilities, but he and Patricia Knight and Patricia DeLoatche have been thoughtful and patient as we went through draft after draft of this proposal in an effort to start the discussion now. I want Senator HATCH to know how grateful I am to him.

Dr. Paul Ellwood, who founded the Jackson Hole Health Group, has been working for more than three decades to create a health system that works for everybody. Now, when he could be enjoying retirement, riding horses in beautiful Wyoming, he is still bringing together health care policymakers, at 7 o'clock on a Sunday morning, in an effort to try to find a consensus on the kinds of common ground that Senator HATCH and I are pursuing.

Dr. Ellwood has been so helpful in the development of this proposal and his own new plan called Heroic Pathways, which encourages the use of information technologies and evidence-based medicine, which is a fancy way of saying health care that actually works. I am of the view that Dr. Ellwood's ideas have great potential. To Paul and Barbara Ellwood, I say this morning, we would not be here today without you.

In my office, Stephanie Kennan and Carole Grunberg kept us tethered to reality, and Ms. Daphne Edwards, a young lawyer in the legislative counsel's office, produced eight separate drafts of this legislation alone.

Finally, I went into public life because I have always believed if people could not get affordable, quality health care, they were not in a position to be able to do much of anything else. Since those Gray Panther days, I have believed that it is wrong for people in this country to die because they could not get health care or because it came too late.

America is now hemorrhaging dollars into a health care system that simply does not work at all for too many people. The longer people go on dying needlessly, and the longer prosperity and security allude our families, the less America looks like the America of our dreams. No one I know thinks it should be so easy to slip through the cracks in our health care system. No one I know believes America is supposed to be a place where people forfeit their well-being for doing honest work that just does not pay enough for good medical care.

The Wyden-Hatch legislation is a chance to move toward America as it is meant to be. People can voice their vision for health care in America. Their voices can count. Their vision can come to pass.

So today I ask the Senate to give our people this opportunity. The Wyden-Hatch bill provides a roadmap. The great people of this country, working with their public servants, can use it as a guide to a health care system that works for everyone.

Mr. President, I see that my colleague is on the floor this morning. I

wrap up by again expressing my appreciation to Senator HATCH. I have come to the conclusion that if you want to get anything important done, particularly in health care, it has to be bipartisan. Senator HATCH and I have been talking about this health care reform for an awfully long time. He has been extraordinarily patient—he and his staff—in working with me. I think we bring to the Senate today a chance, as we end this session—a session where there has not been the progress the people deserve on health care—a chance to move forward in a bipartisan way. I am just especially grateful to my colleague from the State of Utah, who is one of the most caring people I have known in public life, for all his help.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3063

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Health Care That Works for All Americans Act of 2002''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) In order to improve the health care system, the American public must engage in an informed national public debate to make choices about the services they want covered, what health care coverage they want, and how they are willing to pay for coverage.

(2) More than a trillion dollars annually is spent on the health care system, yet—

(A) 41,000,000 Americans are uninsured;

(B) insured individuals do not always have access to essential, effective services to improve and maintain their health; and

(C) employers, who cover over 170,000,000 Americans, find providing coverage increasingly difficult because of rising costs and double digit premium increases.

(3) Despite increases in medical care spending that are greater than the rate of inflation, population growth, and Gross Domestic Product growth, there has not been a commensurate improvement in our health status as a nation.

(4) Health care costs for even just 1 member of a family can be catastrophic, resulting in medical bills potentially harming the economic stability of the entire family.

(5) Common life occurrences can jeopardize the ability of a family to retain private coverage or jeopardize access to public coverage.

(6) Innovations in health care access, coverage, and quality of care, including the use of technology, have often come from States, local communities, and private sector organizations, but more creative policies could tap this potential.

(7) Despite our Nation's wealth, the health care system does not provide coverage to all Americans who want it.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to provide for a nationwide public debate about improving the health care system to provide every American with the ability to obtain quality, affordable health care coverage; and

(2) to provide for a vote by Congress on the recommendations that result from the debate.

SEC. 4. CITIZENS' HEALTH CARE WORKING GROUP.

(a) ESTABLISHMENT.—The Secretary, acting through the Agency for Healthcare Research and Quality, shall establish an entity to be known as the Citizens' Health Care Working Group (referred to in this Act as the ''Working Group'').

(b) APPOINTMENT.—Not later than 45 days after the date of enactment of this Act, the Speaker and Minority Leader of the House of Representatives and the Majority Leader and Minority Leader of the Senate (in this section referred to as the ''leadership'') shall each appoint individuals to serve as members of the Working Group in accordance with subsections (c), (d), and (e).

(c) MEMBERSHIP CRITERIA.—

(1) APPOINTED MEMBERS.—

(A) SEPARATE APPOINTMENTS.—The Speaker of the House of Representatives jointly with the Minority Leader of the House of Representatives, and the Majority Leader of the Senate jointly with the Minority Leader of the Senate, shall each appoint 1 member of the Working Group described in subparagraphs (A), (G), (J), (K), and (M) of paragraph (2).

(B) JOINT APPOINTMENTS.—Members of the Working Group described in subparagraphs (B), (C), (D), (E), (F), and (N) of paragraph (2) shall be appointed jointly by the leadership.

(C) COMBINED APPOINTMENTS.—Members of the Working Group described in subparagraphs (H) and (L) shall be appointed in the following manner:

(i) One member of the Working Group in each of such subparagraphs shall be appointed jointly by the leadership.

(ii) The remaining appointments of the members in each of such subparagraphs shall be divided equally such that the Speaker of the House of Representatives jointly with the Minority Leader of the House of Representatives, and the Majority Leader of the Senate jointly with the Minority Leader of the Senate each appoint an equal number of members.

(2) CATEGORIES OF APPOINTED MEMBERS.—Members of the Working Group shall be appointed as follows:

(A) 2 members shall be patients or family members of patients who, at least 1 year prior to the date of enactment of this Act, have had no health insurance.

(B) 1 member shall be a representative of children.

(C) 1 member shall be a representative of the mentally ill.

(D) 1 member shall be a representative of the disabled.

(E) 1 member shall be over the age of 65 and a beneficiary under the medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(F) 1 member shall be a recipient of benefits under the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(G) 2 members shall be State health officials.

(H) 3 members shall be employers, including—

(i) 1 large employer (an employer who employed 50 or more employees on business days during the preceding calendar year and who employed at least 50 employees on the first of the year);

(ii) 1 small employer (an employer who employed an average of at least 2 employees but less than 50 employees on business days in the preceding calendar year and who employs at least 2 employees on the first of the year); and

(iii) 1 multi-state employer.

(I) 1 member shall be a representative of labor.

(J) 2 members shall be health insurance issuers.

(K) 2 members shall be health care providers.

(L) 5 members shall be appointed as follows:

(i) 1 economist.

(ii) 1 academician.

(iii) 1 health policy researcher.

(iv) 1 individual with expertise in pharmacoeconomics.

(v) 1 health technology expert.

(M) 2 members shall be representatives of community leaders who have developed State or local community solutions to the problems addressed by the Working Group.

(N) 1 member shall be a representative of a medical school.

(3) SECRETARY.—The Secretary of Health and Human Services or the designee of the Secretary of Health and Human Services shall be a member of the Working Group.

(d) PROHIBITED APPOINTMENTS.—Members of the Working Group shall not include members of Congress or other elected government officials (Federal, State, or local) other than those individuals specified in subsection (c). To the extent possible, individuals appointed to the Working Group shall have used the health care system within the previous 2 years and shall not be paid employees or representatives of associations or advocacy organizations involved in the health care system.

(e) APPOINTMENT CRITERIA.—

(1) HOUSE OF REPRESENTATIVES.—The Speaker and Minority Leader of the House of Representatives shall make the appointments described in subsection (b) in consultation with the chairperson and ranking member of the following committees of the House of Representatives:

(A) The Committee on Ways and Means.

(B) The Committee on Energy and Commerce.

(C) The Committee on Education and the Workforce.

(2) SENATE.—The Majority Leader and Minority Leader of the Senate shall make the appointments described in subsection (b) in consultation with the chairperson and ranking member of the following committees of the Senate:

(A) The Committee on Finance.

(B) The Committee on Health, Education, Labor, and Pensions.

(f) PERIOD OF APPOINTMENT.—Members of the Working Group shall be appointed for a term of 2 years. Such term is renewable and any vacancies shall not affect the power and duties of the Working Group but shall be filled in the same manner as the original appointment.

(g) APPOINTMENT OF THE CHAIRPERSON.—Not later than 15 days after the date on which all members of the Working Group have been appointed under subsection (b), the leadership shall make a joint designation of the chairperson of the Working Group. If the leadership fails to make such designation within such time period, the Working Group Members shall, not later than 10 days after the end of such time period, designate a chairperson by majority vote.

(h) SUBCOMMITTEES.—The Working Group may establish subcommittees if doing so increases the efficiency of the Working Group in completing its tasks.

(i) DUTIES.—

(1) HEARINGS.—Not later than 90 days after the date of appointment of the chairperson under subsection (g), the Working Group shall hold hearings to examine—

(A) the capacity of the public and private health care systems to expand coverage options;

(B) the cost of health care and the effectiveness of care provided at all stages of disease, but in particular the cost of services at the end of life;

(C) innovative State strategies used to expand health care coverage and lower health care costs;

(D) local community solutions to accessing health care coverage;

(E) efforts to enroll individuals currently eligible for public or private health care coverage;

(F) the role of evidence-based medical practices that can be documented as restoring, maintaining, or improving a patient's health, and the use of technology in supporting providers in improving quality of care and lowering costs; and

(G) strategies to assist purchasers of health care, including consumers, to become more aware of the impact of costs, and to lower the costs of health care.

(2) ADDITIONAL HEARINGS.—The Working Group may hold additional hearings on subjects other than those listed in paragraph (1) so long as such hearings are determined to be necessary by the Working Group in carrying out the purposes of this Act. Such additional hearings do not have to be completed within the time period specified in paragraph (1) but shall not delay the other activities of the Working Group under this section.

(3) THE HEALTH REPORT TO THE AMERICAN PEOPLE.—Not later than 90 days after the hearings described in paragraphs (1) and (2) are completed, the Working Group shall prepare and make available to health care consumers through the Internet and other appropriate public channels, a report to be entitled, ''The Health Report to the American People''. Such report shall be understandable to the general public and include—

(A) a summary of—

(i) health care and related services that may be used by individuals throughout their life span;

(ii) the cost of health care services and their medical effectiveness in providing better quality of care for different age groups;

(iii) the source of coverage and payment, including reimbursement, for health care services;

(iv) the reasons people are uninsured or underinsured and the cost to taxpayers, purchasers of health services, and communities when Americans are uninsured or underinsured;

(v) the impact on health care outcomes and costs when individuals are treated in later stages of disease;

(vi) health care cost containment strategies; and

(vii) information on health care needs that need to be addressed;

(B) examples of community strategies to provide health care coverage or access;

(C) information on geographic-specific issues relating to health care;

(D) information concerning the cost of care in different settings, including institutional-based care and home and community-based care;

(E) a summary of ways to finance health care coverage; and

(F) the role of technology in providing future health care including ways to support the information needs of patients and providers.

(4) COMMUNITY MEETINGS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Working Group shall initiate health care community meetings throughout the United States (in this section referred to as ''community meetings''). Such community meetings may be geographically or regionally based and shall be completed within 180 days after the initiation of the first meeting.

(B) NUMBER OF MEETINGS.—The Working Group shall hold a sufficient number of community meetings in order to receive information that reflects—

(i) the geographic differences throughout the United States;

(ii) diverse populations; and

(iii) a balance among urban and rural populations.

(C) MEETING REQUIREMENTS.—

(i) FACILITATOR.—A State health officer may be the facilitator at the community meetings.

(ii) ATTENDANCE.—At least 1 member of the Working Group shall attend and serve as chair of each community meeting. Other members may participate through interactive technology.

(iii) TOPICS.—The community meetings shall, at a minimum, address the following issues:

(I) The optimum way to balance costs and benefits so that affordable health coverage is available to as many people as possible.

(II) The identification of services that provide cost-effective, essential health care services to maintain and improve health and which should be included in health care coverage.

(III) The cost of providing increased benefits.

(IV) The mechanisms to finance health care coverage, including defining the appropriate financial role for individuals, businesses, and government.

(iv) INTERACTIVE TECHNOLOGY.—The Working Group may encourage public participation in community meetings through interactive technology and other means as determined appropriate by the Working Group.

(D) INTERIM REQUIREMENTS.—Not later than 180 days after the date of completion of the community meetings, the Working Group shall prepare and make available to the public through the Internet and other appropriate public channels, an interim set of recommendations on health care coverage and ways to improve and strengthen the health care system based on the information and preferences expressed at the community meetings. There shall be a 90-day public comment period on such recommendations.

(j) RECOMMENDATIONS.—Not later than 120 days after the expiration of the public comment period described in subsection (h)(3)(D), the Working Group shall submit to Congress and the President a final set of recommendations, including any proposed legislative language to implement such recommendations.

(k) ADMINISTRATION.—

(1) EXECUTIVE DIRECTOR.—There shall be an Executive Director of the Working Group who shall be appointed by the chairperson of the Working Group in consultation with the members of the Working Group.

(2) COMPENSATION.—While serving on the business of the Working Group (including travel time), a member of the Working Group shall be entitled to compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code, and while so serving away from home and the member's regular place of business, a member may be allowed travel expenses, as authorized by the chairperson of the Working Group. For purposes of pay and employment benefits, rights, and privileges, all personnel of the Working Group shall be treated as if they were employees of the Senate.

(3) INFORMATION FROM FEDERAL AGENCIES.—The Working Group may secure directly from any Federal department or agency such information as the Working Group considers necessary to carry out this Act. Upon request of the Working Group, the head of such department or agency shall furnish such information.

(4) POSTAL SERVICES.—The Working Group may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(l) DETAIL.—Not more than 10 Federal Government employees employed by the Department of Labor and 10 Federal Government employees employed by the Department of Health and Human Services may be detailed to the Working Group under this section without further reimbursement. Any detail of an employee shall be without interruption or loss of civil service status or privilege.

(m) TEMPORARY AND INTERMITTENT SERVICES.—The chairperson of the Working Group may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(n) ANNUAL REPORT.—Not later that 1 year after the date of enactment of this Act, and annually thereafter during the existence of the Working Group, the Working Group shall report to Congress and make public a detailed description of the expenditures of the Working Group used to carry out its duties under this section.

(o) SUNSET OF WORKING GROUP.—The Working Group shall terminate when the report described in subsection (j) is submitted to Congress.

SEC. 5. CONGRESSIONAL ACTION.

(a) DRAFTING.—If the Working Group does not provide legislative language in the report under section 4(j) then the committees described in paragraphs (1) and (2) of section 4(e) may draft legislative language based on the recommendations of the Working Group.

(b) BILL INTRODUCTION.—

(1) IN GENERAL.—Any legislative language described in subsection (a) may be introduced as a bill by request in the following manner:

(A) HOUSE OF REPRESENTATIVES.—In the House of Representatives, by the Majority Leader and the Minority Leader not later than 10 days after receipt of the legislative language.

(B) SENATE.—In the Senate, by the Majority Leader and the Minority Leader not later than 10 days after receipt of the legislative language.

(2) ALTERNATIVE BY ADMINISTRATION.—The President may submit legislative language based on the recommendations of the Working Group and such legislative language may be introduced in the manner described in paragraph (1).

(c) COMMITTEE CONSIDERATION.—

(1) IN GENERAL.—Any legislative language submitted pursuant to paragraph (1) or (2) of subsection (b) (in this section referred to as ''implementing legislation'') shall be referred to the appropriate committees of the House of Representatives and the Senate.

(2) REPORTING.—

(A) COMMITTEE ACTION.—If, not later than 150 days after the date on which the implementing legislation is referred to a committee under paragraph (1), the committee has reported the implementing legislation or has reported an original bill whose subject is related to reforming the health care system, or to providing access to affordable health care coverage for Americans, the regular rules of the applicable House of Congress shall apply to such legislation.

(B) DISCHARGE FROM COMMITTEES

(i) SENATE.—

(I) IN GENERAL.—If the implementing legislation or an original bill described in subparagraph (A) has not been reported by a

committee of the Senate within 180 days after the date on which such legislation was referred to committee under paragraph (1), it shall be in order for any Senator to move to discharge the committee from further consideration of such implementing legislation.

(II) SEQUENTIAL REFERRALS.—Should a sequential referral of the implementing legislation be made, the additional committee has 30 days for consideration of implementing legislation before the discharge motion described in subclause (I) would be in order.

(III) PROCEDURE.—The motion described in subclause (I) shall not be in order after the implementing legislation has been placed on the calendar. While the motion described in subclause (I) is pending, no other motions related to the motion described in subclause (I) shall be in order. Debate on a motion to discharge shall be limited to not more than 10 hours, equally divided and controlled by the majority leader and the minority leader, or their designees. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed or disagreed to.

(IV) EXCEPTION.—If implementing language is submitted on a date later than May 1 of the second session of a Congress, the committee shall have 90 days to consider the implementing legislation before a motion to discharge under this clause would be in order.

(ii) HOUSE OF REPRESENTATIVES.—If the implementing legislation or an original bill described in subparagraph (A) has not been reported out of a committee of the House of Representatives within 180 days after the date on which such legislation was referred to committee under paragraph (1), then on any day on which the call of the calendar for motions to discharge committees is in order, any member of the House of Representatives may move that the committee be discharged from consideration of the implementing legislation, and this motion shall be considered under the same terms and conditions, and if adopted the House of Representatives shall follow the procedure described in subsection (d)(1).

(d) FLOOR CONSIDERATION.—

(1) MOTION TO PROCEED.—If a motion to discharge made pursuant to subsection (c)(2)(B)(i) or (c)(2)(B)(ii) is adopted, then, not earlier than 5 legislative days after the date on which the motion to discharge is adopted, a motion may be made to proceed to the bill.

(2) FAILURE OF MOTION.—If the motion to discharge made pursuant to subsection (c)(2)(B)(i) or (c)(2)(B)(ii) fails, such motion may be made not more than 2 additional times, but in no case more frequently than within 30 days of the previous motion. Debate on each of such motions shall be limited to 5 hours, equally divided.

(3) APPLICABLE RULES.—Once the Senate is debating the implementing legislation the regular rules of the Senate shall apply.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act, other than section 4(i)(3), $3,000,000 for each of fiscal years 2003, 2004, 2005.

(b) HEALTH REPORT TO THE AMERICAN PEOPLE.—There are authorized to be appropriated for the preparation and dissemination of the Health Report to the American People described in section 4(i)(3), such sums as may be necessary for the fiscal year in which the report is required to be submitted.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague for his kind remarks, especially his kind remarks with regard to me. I share a mutual affection for him because, as a leader in the House on health care, he did so many good things. We are so happy to have him in the Senate where he has continued his work on health care. I am very grateful to him.

Mr. President, I rise to associate myself with the remarks of my good friend and colleague, the Senator from Oregon, Mr. WYDEN.

Last week, we were all dismayed to learn the Census Bureau figures indicate the number of uninsured in our country has risen from 39.8 million in 2000 to 41.2 million in 2001.

Of even greater concern is the fact that most of the newly uninsured previously had employer-based coverage.

Obviously, this is a trend in the wrong direction despite years of efforts here in Washington to improve our country's health care delivery system.

Clearly, we must take another approach.

In a nutshell, the legislation that Senator WYDEN and I are introducing today will stimulate fruitful discussion and debate on how we can really effect improvements to our nation's health care system—improvements that can be accepted at all levels, from communities on up to the Federal government.

We have worked on this bill for several months and are proud to have reached bipartisan consensus.

Bipartisanship, it seems, is a rare occurrence these days. But, in our opinion, the only way to resolve our country's health crisis is to put politics aside and work together toward common goals.

The Health Care That Works for All Americans Act of 2002 reflects our common goals on how to resolve this country's health care woes.

We accomplish these important goals by fostering candid discussions—in every corner of our country—through which the public can have an earnest discussion about our current health care system.

These discussions will lead to recommendations on how to improve health care coverage which will help guide the Congress as it moves forward in this area.

It is our hope that, in the end, this legislation will provide Americans with the proper tools to access high quality, affordable health care coverage.

Basically, our legislation envisions three steps: public meetings; recommendations to Congress; and congressional action.

We see this an as interactive process, which will help all of us be more informed consumers and which can produce real changes for the public.

At this point, I would like to take this opportunity to discuss each of these steps in more detail.

The first step of this bill is to stimulate community gatherings at which individuals from all walks of life can provide their viewpoints on which health benefits they believe should be covered.

Obviously, a necessary component of that discussion will be how the benefits can be paid for, and by whom. Strange as it may seem, our government has never actually asked the American people what they want from our health care system. These community meetings would pose questions to individuals such as, ''What type of health coverage do you want how much are you willing to pay?''

In addition, debate would focus on the financial responsibilities of the government, businesses, and individual citizens.

I believe these issues must be discussed at the beginning of a new debate on health coverage, because the public's response is essential to building a nationwide consensus for creating a new health care system. It is critical to receive feedback from those who use the health care system on a daily, weekly or even annual basis.

Our plan is to hear from everyone who has had first-hand experience with the health care system. We want to hear what people like and dislike about the current system and their proposals for change. And, we also hope to hear from those who do not use health services and the reasons why they have not sought health care coverage.

We hope to stimulate a provocative discussion based on key questions. Is health care too expensive? Too complicated? Or is it just not available to certain segments of our society?

The Wyden-Hatch legislation creates a Citizens' Health Care Working Group which would be charged with posing these tough questions and overseeing this crucial debate on how to improve upon our current health care system.

The Citizens' Health Care Working Group will be comprised of individuals who have a deep interest in health care: patients; providers, community leaders; and key state and federal officials.

The Working Group will coordinate nationwide community meetings and facilitate the public in expressing their views on the complex and often difficult choices concerning health care coverage.

To achieve this objective, our bill directs the Working Group to produce a ''Health Care Report to the American People.'' This report will be used as a guidebook designed to describe the cost and availability of health choices available to Americans across the country—taking into account geographic differences.

Since this issue has been visited over and over again without noticeable results, we believe that it is time to have an honest dialogue about sensitive health care issues with the public so that individual citizens will have a better idea of what choices members of Congress and key health officials are facing when health care issues are being debated.

We envision asking citizens about a whole range of services and procedures, a ''bottom-up'' review of the health

care system, if you will. We hope these community discussions will look at current coverage issues, such as whether Medicaid should provide better coverage for transplants, recognizing that these are very expensive, labor-intensive procedures that may use scarce resources that might have been used elsewhere.

Another area we hope might be explored is how to improve coverage of long-term care services, and how this should be paid.

These choices—economic, moral, legal and social—will be difficult ones, but the purpose of our legislation is this—to start discussing these vital issues with those on whom there will be the greatest impact—the American people. We cannot afford to put off these discussions any longer.

In the past, health reform debates have not included the voice of the people who actually need to live with these decisions. The Wyden-Hatch legislation will ensure that those Americans who depend on quality, affordable health care are at the forefront of the discussion before the special interests weigh in with their objectives.

Mr. President, I ask my colleagues, given the failures of the past, isn't it time that we approach this problem by listening to citizens' viewpoints on health care coverage?

The second step of this legislation is to direct the Working Group to take the ideas offered by the public and translate these comments into recommendations for our elected officials, specifically Members of Congress and the President.

The Working Group will have substantial awareness of our citizens' preferences because of their involvement in the public meetings across the country. After the meetings are completed, the Working Group will highlight the issues raised by the public and provide them to members of Congress and the President for evaluation.

The third step of this legislation involves drafting these recommendations into legislation which will eventually be voted upon by both the House and the Senate.

Never before has Congress voted on a health care proposal built on a foundation created by the public making difficult heath care choices.

If enacted, the Wyden-Hatch bill will provide for just such a vote.

Senator WYDEN and I both know there will be many questions about this proposal, but, in my opinion, the most important question is ''Why now?''

The answer is simple—the American people cannot afford to wait any longer. The number of uninsured Americans, which had been declining for the past couple of years, is now increasing.

In addition, the costs of gridlock are simply too great—on human, social, economic and moral grounds. Congress is on the verge of completing another session without significant progress on major health care reforms.

Once again, we have not passed prescription drug coverage for Medicare beneficiaries. Once again, we have not addressed the issue of the uninsured. Once again, we have not approved legislation that includes patient protections.

And the reason for this inaction is partisan politics—no one is willing to compromise so we end up doing nothing and the American public suffers. In my opinion, something must be done to address these important issues, sooner rather than later.

One issue that must be addressed is the overwhelming cost of health care. Every time I go home to Utah, I hear complaints from my constituents about escalating health care premiums and the price of prescription drugs. People are having a difficult time paying for their health insurance premiums, their physicians' visits and their medicines. We were all disturbed last year to hear about a recent Towers Perrin survey indicating that the cost of health benefit plans at large companies is expected to rise an average of 15 percent—15 percent!—in 2003.

Some businesses, especially smaller employers, are worried that they will no longer be able to provide health insurance coverage to their employees. Utah physicians complain to me about the inadequate Medicare reimbursement rates and are threatening to leave the state.

In fact, many of the federal health programs have complicated and overbearing regulations that are confusing to participating providers. For example, is it necessary to have a book of Medicaid regulations thicker than the Black's Law Dictionary?

While our health care system provides the highest quality services in the world and is the most technologically advanced, America's health system has fundamental flaws. The purpose of this legislation is to build on the positive components of our current system and improve the flaws.

We believe that the best way to improve the current system is to listen to public input and implement their ideas and suggestions.

We must get past playing the blame game. All of the powerful special interests are going to have to accept some reforms they have rejected in the past if America is to have a health care system that works for all.

I believe this is what we will hear from the American people if they are given the chance to drive the debate on health reform as envisioned by this legislation. Unfortunately, there never has been a system to gather that public input until now.

Mr. President, I am proud to be the lead Republican sponsor of the Health Care that Works for All Americans Act of 2002. I urge my colleagues to work with us so this legislation will be enacted into law in a timely manner. The American people cannot afford to wait any longer.

I praise my colleague again for his leadership in so many areas, but especially the area of health care. He is sincere. He is dedicated. He is smart. He works hard on these issues. I am proud to work with him on this issue, and hope we can be successful in passing this bill and getting this very worthwhile effort started.

By Mr. NELSON of Florida:

S. 3064. A bill to prohibit the use of patient databases for marketing without the express consent of the patient; to the Committee on Health, Education, Labor, and Pensions.

Mr. NELSON of Florida. Mr. President, privacy concerns continues to grow not only in Florida, but throughout the Nation. This past August, the Administration finalized rules which will allow pharmacies and other health care entities to profit from their confidential patient databases by entering marketing agreements with giant health corporations.

Under the new rules, a pharmacy can search its database for patients using a specific prescription drug and then turn around and send an unsolicited advertisement on behalf of a drug maker peddling a more expensive alternative drug, even if it's less effective. And to make matters worse, the consumer can't ask the company to stop.

Instead of banning this anti-consumer practice, the Administration issued non-binding guidelines asking third parties not to provide financial incentives to doctors or pharmacies in exchange for suggesting certain drugs to patients. While the guidelines are well meaning, this terrible practice won't stop if the government doesn't do more than offer suggestions. We need to pass a law to prohibit this behavior.

Today, I'm introducing a bill that allows consumers to decide if they want to receive health advertisements generated as a result of their personal health characteristics. Under my legislation, pharmacies, insurance companies and other health entities would be prohibited from using private, personally identifiable health information to provide marketing services to any entity without providing notice to the consumer about its disclosure practices and obtaining the consumer's express written consent.

The legislation makes an exception for treatment communications unless the covered entity receives direct or indirect remuneration from a third party for making the communication. The free flow of information is important when sought by the consumer, but treatment communications tarnished by the marketing dollars of third parties create an inherent conflict of interest by encouraging patients, who don't know their pharmacist has been paid, to purchase high-cost alternative drugs that are not necessarily more effective than those prescribed by their doctor. Unnecessary spending driven by this practice, not only hurts individual consumers, but also the American taxpayer as Medicare and Medicaid costs skyrocket.

My goal is to restore control to the consumer, so that they can make a decision to receive, or not receive, these advertisements once they have been informed that their personal information will be used for that purpose and once they understand that the covered entity is being paid to make a particular recommendation.

I look forward to working with all interested parties to resolve this problem in a timely manner for consumers and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3064

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Health Records Confidentiality Act of 2002''.

SEC. 2. DEFINITIONS.

In this Act:

(1) INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION.—The term ''individually identifiable health information'' means information that is a subset of health information, including demographic information collected from an individual, that—

(A) is created or received from a health care provider, health plan, employer, or health care clearinghouse;

(B) relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present or future payment for the provision of health care to an individual; and

(C)(i) identifies the individual; or

(ii) with respect to which there is a reasonable basis to believe that the information can be used to identify the individual.

(2) MARKETING.—The term ''marketing'' means to make a communication about a product or service to encourage recipients of the communication to purchase or use the product or service, but does not include communications made as part of the treatment of a patient for the purpose of furthering treatment unless the covered entity receives direct or indirect remuneration from a third party for making the communication.

SEC. 3. PROTECTION OF PRIVATE HEALTH INFORMATION.

Except in accordance with section 4, a health care provider, pharmacy, health researcher, health plan, health oversight agency, public health authority, employer, health or life insurer, or school or university shall not—

(1) disclose individually identifiable health information to an entity for marketing the products or services of such entity; or

(2) use individually identifiable health information in its possession to provide marketing services to any entity.

SEC. 4. NOTICE AND CONSENT REQUIREMENTS.

A health care provider, pharmacy, health researcher, health plan, health oversight agency, public health authority, employer, health or life insurer, or school or university may provide marketing services to a pharmaceutical company if such health care entity—

(1) provides clear and conspicuous notice to the individual involved concerning its disclosure practices for all individually identifiable health information collected or created with regard to the individual; and

(2) obtains the consent of the individual involved to use the information and that consent is manifested by an affirmative act in a written communication which only references and applies to the specific marketing purpose for which the information is to be used.

By Mr. INOUYE:

S. 3066. A bill to improve programs relating to Indian tribes; to the Committee on Indian Affairs.

Mr. INOUYE. Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the bill and additional material was ordered to be printed in the RECORD, as follows:

S. 3066

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Indian Technical Corrections Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—PROGRAMS RELATING TO PARTICULAR INDIAN TRIBES

Sec. 101. Leases of restricted land.
Sec. 102. Lease of tribally-owned land by Assiniboine and Sioux Tribes of the Fort Peck Reservation.
Sec. 103. Navajo-Hopi relocation impact study.
Sec. 104. Indian health demonstration project.
Sec. 105. Fetal alcohol syndrome and fetal alcohol effect grants.
Sec. 106. Illegal narcotics traffic on the Tohono O'Odham and St. Regis Reservations.
Sec. 107. Rehabilitation of Celilo Indian Village.
Sec. 108. Rural health care facility, Fort Berthold Indian Reservation, North Dakota.
Sec. 109. Health care funding allocation, Eagle Butte Service Unit.
Sec. 110. Oklahoma Native American Cultural Center and Museum.
Sec. 111. Certification of rental proceeds.
Sec. 112. Waiver of repayment of expert assistance loans to the Oglala Sioux Tribe.
Sec. 113. Waiver of repayment of expert assistance loans to the Seminole Tribe of Oklahoma.
Sec. 114. Facilitation of construction of pipeline to provide water for emergency fire suppression and other purposes.
Sec. 115. Conveyance of Native Alaskan objects.
Sec. 116. Shakopee fee land.
Sec. 117. Agreement with Dry Prairie Rural Water Association, Incorporated.

TITLE II—COLLABORATION BETWEEN TRIBAL GOVERNMENTS AND FOREST SERVICE

Sec. 201. Short title.
Sec. 202. Findings.
Sec. 203. Forest legacy program.
Sec. 204. Forestry and resource management assistance to Indian tribes.

TITLE III—PUEBLO OF SANTA CLARA AND SAN ILDEFONSO, NEW MEXICO

Sec. 301. Definitions.
Sec. 302. Trust for the Pueblo of Santa Clara, New Mexico.
Sec. 303. Trust for the Pueblo of San Ildefonso, New Mexico.
Sec. 304. Survey and legal descriptions.
Sec. 305. Administration of trust land.
Sec. 306. Effect.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of the Interior.

TITLE I—PROGRAMS RELATING TO INDIAN TRIBES

SEC. 101. LEASES OF RESTRICTED LAND.

Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)) is amended by adding at the end the following: ''Notwithstanding any other provision of law, no approval by the Secretary shall be required for any new lease, or for renewal of any existing lease, of land under this subsection if the lease, including all periods covered by any renewal, is for an aggregate term of less than 7 years.''.

SEC. 102. LEASE OF TRIBALLY-OWNED LAND BY ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION.

The first section of the Act of August 9, 1955 (25 U.S.C. 415) is amended by adding at the end the following:

''(g) LEASE OF TRIBALLY-OWNED LAND BY ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION.—

''(1) IN GENERAL.—Notwithstanding subsection (a) and any regulations under part 162 of title 25, Code of Federal Regulations, subject to paragraph (2), the Assiniboine and Sioux Tribes of the Fort Peck Reservation may lease to the Northern Border Pipeline Company tribally-owned land on the Fort Peck Indian Reservation for 1 or more interstate gas pipelines.

''(2) CONDITIONS.—A lease entered into under paragraph (1)—

''(A) shall commence during fiscal year 2011 for an initial term of 25 years;

''(B) may be renewed for an additional term of 25 years; and

''(C) shall specify in the terms of the lease an annual rental rate—

''(i) which rate shall be increased by 3 percent for each 5-year period; and

''(ii) the adjustment of which in accordance with clause (i) shall be considered to satisfy any review requirement under part 162 of title 25, Code of Federal Regulations.''.

SEC. 103. NAVAJO-HOPI RELOCATION IMPACT STUDY.

(a) IN GENERAL.—Section 34 of Public Law 93–531 (commonly known as the ''Navajo-Hopi Land Settlement Act of 1974'') (25 U.S.C. 640d et seq.) (as added by section 203 of the Indian Programs Reauthorization and Technical Amendments Act of 2002) is amended to read as follows:

''SEC. 34. NAVAJO-HOPI RELOCATION IMPACT STUDY.

''(a) IN GENERAL.—Not later than 120 days after the date of enactment of this section, the Office of Navajo and Hopi Indian Relocation shall enter into a contract with an independent contractor under which the independent contractor shall complete, not later than 18 months after the date of enactment of this section, a study to determine whether—

''(1) the purposes of this Act have been achieved; and

''(2) recommended activities should be carried out to mitigate the consequences of the implementation of this Act.

''(b) SCOPE.—The study conducted under subsection (a) shall include an analysis of—

''(1) the long-term effects of the relocation programs under this Act on the Hopi Tribe and the Navajo Nation;

''(2) the ongoing needs of the Hopi and Navajo populations relocated under this Act;

''(3) the ongoing needs of the other communities affected by relocations under this Act (including communities affected by section 10(f) and communities on Hopi partitioned land and Navajo partitioned land);

''(4) the effects of termination of the relocation programs under this Act, including the effects of—

''(A) closure of the Office of Navajo and Hopi Indian Relocation; and

''(B) transfer of responsibilities of that Office to other Federal agencies, the Hopi Tribe, and the Navajo Nation in accordance with applicable provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.); and

''(5) other appropriate factors, as determined by the Office of Navajo and Hopi Indian Relocation.

''(c) RESTRICTION ON STUDY.—The study conducted under subsection (a) shall neither address, nor make any recommendations relating to, the relocation requirements for Navajos and Hopis under this Act, including any proposals for the return of Navajos or Hopis.

''(d) REPORT.—Not later than 2 years after the date of enactment of this section, the Office of Navajo and Hopi Relocation shall submit to Congress, the Hopi Tribe, and the Navajo Nation a report that describes the results of the study conducted under subsection (a).

''(e) FUNDING.—Of amounts made available to the Office of Navajo and Hopi Indian Relocation, not more than $1,000,000 shall be made available to carry out this section.''.

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on the later of—

(1) the date of enactment of this Act; or

(2) the date of enactment of the Indian Programs Reauthorization and Technical Amendments Act of 2002.

SEC. 104. INDIAN HEALTH DEMONSTRATION PROJECT.

Section 10 of the Ponca Restoration Act (25 U.S.C. 983h) is amended by adding at the end the following:

''(e) DEMONSTRATION PROJECT.—The Director of the Indian Health Service shall direct the Aberdeen Area Office of the Indian Health Service to carry out, in coordination with the Tribe, a demonstration project to determine—

''(1) the ability of an urban, restored facility of the Tribe to provide health services to members residing in Douglas County and Sarpy County, Nebraska, and Pottawattamie County, Iowa;

''(2) the viability of using third-party billing to enable a facility described in paragraph (1) to become self-sustaining; and

''(3) the effectiveness of using a computer-registered patient management system in the counties specified in paragraph (1).''.

SEC. 105. FETAL ALCOHOL SYNDROME AND FETAL ALCOHOL EFFECT GRANTS.

Section 708(f)(2) of the Indian Health Care Improvement Act (25 U.S.C. 1665g(f)(2)) (as amended by section 103(g)(1)(C) of the Indian Programs Reauthorization and Technical Amendments Act of 2002) is amended by inserting before the period at the end the following: ''(including to carry out demonstration projects that involve 1 or more Indian tribes, tribal organizations, or urban Indian organizations working with organizations such as the National Organization on Fetal Alcohol Syndrome to carry out subparagraphs (A) and (F) of subsection (a)(2))''.

SEC. 106. ILLEGAL NARCOTICS TRAFFIC ON THE TOHONO O'ODHAM AND ST. REGIS RESERVATIONS.

(a) IN GENERAL.—Section 4216(a)(3) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2442(a)(3)) (as amended by section 104(e)(1) of the Indian Programs Reauthorization and Technical Amendments Act of 2002) is amended by striking paragraph (3) and inserting the following:

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated—

''(A) to carry out paragraph (1)(A), $1,000,000 for each of fiscal years 2002 through 2006; and

''(B) to carry out provisions of this subsection other than paragraph (1)(A), such sums as are necessary for each of fiscal years 2002 through 2006.''.

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on the later of—

(1) the date of enactment of this Act; or

(2) the date of enactment of the Indian Programs Reauthorization and Technical Amendments Act of 2002.

SEC. 107. REHABILITATION OF CELILO INDIAN VILLAGE.

Section 401(b)(3) of Public Law 100–581 (102 Stat. 2944) is amended by inserting ''Celilo Village and other'' before ''existing sites''.

SEC. 108. RURAL HEALTH CARE FACILITY, FORT BERTHOLD INDIAN RESERVATION, NORTH DAKOTA.

The Three Affiliated Tribes and Standing Rock Sioux Tribe Equitable Compensation Act is amended—

(1) in section 3504 (106 Stat. 4732), by adding at the end the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''; and

(2) by striking section 3511 (106 Stat. 4739) and inserting the following:

''SEC. 3511. RURAL HEALTH CARE FACILITY, FORT BERTHOLD INDIAN RESERVATION, NORTH DAKOTA.

''There is authorized to be appropriated to the Secretary of Health and Human Services for the construction of a rural health care facility on the Fort Berthold Indian Reservation of the Three Affiliated Tribes, North Dakota, $20,000,000.''.

SEC. 109. HEALTH CARE FUNDING ALLOCATION, EAGLE BUTTE SERVICE UNIT.

Section 117 of the Indian Health Care Improvement Act (25 U.S.C. 1616j) is amended by adding at the end the following:

''(g) CHEYENNE RIVER SIOUX TRIBE BONUS PAYMENT.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, to promote more efficient use of the health care funding allocation for fiscal year 2003, the Eagle Butte Service Unit of the Indian Health Service, at the request of the Cheyenne River Sioux Tribe, may carry out a program under which a health professional may be paid—

''(A) a base salary in an amount up to the highest grade and step available to a physician, pharmacist, or other health professional, as the case may be; and

''(B) a recruitment or retention bonus of up to 25 percent of the base salary rate of the health professional.

''(2) MONITORING AND REPORTING.—If the Service implements the program under paragraph (1), the Service shall—

''(A) monitor the program closely; and

''(B) not later than September 30, 2003, submit to the Committee on Indian Affairs of the Senate and the Committee on Resources and the Committee on Energy and Commerce of the House of Representatives a report that includes an evaluation of the program.''.

SEC. 110. OKLAHOMA NATIVE AMERICAN CULTURAL CENTER AND MUSEUM.

Section 1 of the Act entitled ''An Act to authorize the construction of a Native American Cultural Center and Museum in Oklahoma City, Oklahoma'' is amended—

(1) by striking subsection (c)(3) and inserting the following:

''(3) DIRECTOR.—The term 'Director' means the Director of the Institute of Museum and Library Services.''; and

(2) by striking ''Secretary'' each place it appears and inserting ''Director''.

SEC. 111. CERTIFICATION OF RENTAL PROCEEDS.

Notwithstanding any other provision of law, any actual rental proceeds from the lease of land acquired under section 1 of Public Law 91–229 (25 U.S.C. 488) certified by the Secretary of the Interior shall be deemed—

(1) to constitute the rental value of that land; and

(2) to satisfy the requirement for appraisal of that land.

SEC. 112. WAIVER OF REPAYMENT OF EXPERT ASSISTANCE LOANS TO THE OGLALA SIOUX TRIBE.

Notwithstanding any other provision of law—

(1) the balances of all outstanding expert assistance loans made to the Oglala Sioux Tribe under Public Law 88–168 (77 Stat. 301), and relating to Oglala Sioux Tribe v. United States (Docket No. 117 of the United States Court of Federal Claims), including all principal and interest, are canceled; and

(2) the Secretary of the Interior shall take such action as is necessary to—

(A) document the cancellation under paragraph (1); and

(B) release the Oglala Sioux Tribe from any liability associated with any loan described in paragraph (1).

SEC. 113. WAIVER OF REPAYMENT OF EXPERT ASSISTANCE LOANS TO THE SEMINOLE TRIBE OF OKLAHOMA.

Notwithstanding any other provision of law—

(1) the balances of all outstanding expert assistance loans made to the Seminole Tribe of Oklahoma under Public Law 88–168 (77 Stat. 301), and relating to Seminole Tribe of Oklahoma v. United States (Docket No. 247 of the United States Court of Federal Claims), including all principal and interest, are canceled; and

(2) the Secretary of the Interior shall take such action as is necessary to—

(A) document the cancellation under paragraph (1); and

(B) release the Seminole Tribe of Oklahoma from any liability associated with any loan described in paragraph (1).

SEC. 114. FACILITATION OF CONSTRUCTION OF PIPELINE TO PROVIDE WATER FOR EMERGENCY FIRE SUPPRESSION AND OTHER PURPOSES.

(a) IN GENERAL.—Notwithstanding any other provision of law, subject to valid existing rights under Federal and State law, the land described in subsection (b), fee title to which is held by the Barona Band of Mission Indians of California (referred to in this section as the ''Band'')—

(1) is declared to be held in trust by the United States for the benefit of the Band; and

(2) shall be considered to be a portion of the reservation of the Band.

(b) LAND.—The land referred to in subsection (a) is land comprising approximately 85 acres in San Diego County, California, and described more particularly as follows: San Bernardino Base and Meridian; T. 14 S., R. 1 E.; sec. 21: W½SE¼, 68 acres; NW¼NW¼, 17 acres.

(c) GAMING.—The land taken into trust by subsection (a) shall neither be considered to have been taken into trust for gaming, nor be used for gaming (as that term is used in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

SEC. 115. CONVEYANCE OF NATIVE ALASKAN OBJECTS.

Notwithstanding any provision of law affecting the disposal of Federal property, on the request of the Chugach Alaska Corporation or Sealaska Corporation, the Secretary of Agriculture shall convey to whichever of

those corporations that has received title to a cemetery site or historical place on National Forest System land conveyed under section 14(h)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1613(h)(1)) all artifacts, physical remains, and copies of any available field records that—

(1)(A) are in the possession of the Secretary of Agriculture; and

(B) have been collected from the cemetery site or historical place; but

(2) are not required to be conveyed in accordance with the Native American Graves Protection Act and Repatriation Act (25 U.S.C. 3001 et seq.) or any other applicable law.

SEC. 116. SHAKOPEE FEE LAND.

(a) IN GENERAL.—Notwithstanding any other provision of law, without further authorization by the United States, the Shakopee Mdewakanton Sioux Community in the State of Minnesota (referred to in this section as the ''Community'') may lease, sell, convey, warrant, or otherwise transfer all or any part of the interest of the Community in or to any real property that is not held in trust by the United States for the benefit of the Community.

(b) TRUST LAND NOT AFFECTED.—Nothing in this section—

(1) authorizes the Community to lease, sell, convey, warrant, or otherwise transfer all or part of an interest in any real property that is held in trust by the United States for the benefit of the Community; or

(2) affects the operation of any law governing leasing, selling, conveying, warranting, or otherwise transferring any interest in that trust land.

SEC. 117. AGREEMENT WITH DRY PRAIRIE RURAL WATER ASSOCIATION, INCORPORATED.

(a) IN GENERAL.—Any agreement between the Tribe and Dry Prairie Rural Water Association, Incorporated (or any non-Federal successor entity) for the use of water to meet the needs of the Dry Prairie system that is entered into under section 5 of the Fort Peck Reservation Rural Water System Act of 2000 (114 Stat. 1454)—

(1) is approved by Congress; and

(2) shall be approved and executed by the Secretary.

TITLE II—COLLABORATION BETWEEN TRIBAL GOVERNMENTS AND FOREST SERVICE

SEC. 201. SHORT TITLE.

This title may be cited as the ''Tribal Governments and Forest Service Collaboration Act of 2002''.

SEC. 202. FINDINGS.

Congress finds that—

(1) Indian tribes, members of Indian tribes, and Alaska Natives hold 100,600,000 acres of land (56,600,000 acres in the lower 48 States and 44,000,000 acres in Alaska), equaling 4.2 percent of the land area of the United States;

(2) land held in trust for Indian tribes shares thousands of miles of common boundary with National Forest System land;

(3) Indian tribes have reserved rights and interests that affect the management of hundreds of thousands of acres of National Forest System land;

(4) National Forest System land contains hundreds of thousands of acres in which Indian tribes have cultural, religious, and traditional interests, including interests recognized in—

(A) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.); and

(B) the Act of August 11, 1978 (42 U.S.C. 1996 et seq.) (commonly referred to as the ''American Indian Religious Freedom Act'');

(5) tribal land and National Forest System land share natural resource attributes in many common ecosystems, including biodiversity of plant and animal fauna, timber, fish, wildlife, range, soils, recreation attributes, airsheds, and watersheds;

(6) effective ecosystem management—

(A) integrates ecological principles and economic and social factors; and

(B) safeguards ecological sustainability, biodiversity, and productivity;

(7) Federal land management activities on National Forest System land are affecting ecosystems that encompass National Forest System land and tribal land;

(8) collaborative planning and management between Indian tribes and the Forest Service needs to be strengthened;

(9) management practices on National Forest System land can—

(A) adversely affect tribal trust, cultural, religious, and traditional resources on National Forest System land; and

(B) place tribal land and resources at risk;

(10) Indian tribal land managers and National Forest System land managers have shared interests in maintaining the health of the forests and in coordinating and sustaining the timber supply from National Forest System land and tribal trust land in order to jointly contribute to the economic stability of local, timber-dependent communities;

(11) cross-boundary management collaboration is needed to address forest health emergencies that currently exist on Federal and tribal forest land because of substantial areas of dead and dying trees resulting from drought, insects, fire, windstorm, or other causes;

(12) tribal communities possess unique traditional knowledge and technical expertise that can provide valuable insight and guidance in the management of land and resources contained within the National Forest System;

(13) the Forest Service lacks comprehensive authorities to work with tribal neighbors on collaborative or other issues;

(14)(A) in recognition of that goal, in October 1999, the Chief Operating Officer of the Forest Service commissioned a National Tribal Relations Program Task Force to develop recommendations to improve working relationships with Indian tribes; and

(B) the Task Force issued a final report in August 2000, including administrative and legislative recommendations on which this title is based;

(15) Indian tribes and National Forests would benefit from improved coordination and integration in application of wildland fire resources, including Native American fire crews; and

(16) the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1600 et seq.) does not contain specific authority for the Secretary to enter into cooperative research and development agreements with tribal governments.

SEC. 203. FOREST LEGACY PROGRAM.

(a) PARTICIPATION BY INDIAN TRIBES.—Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended—

(1) in the first sentence of subsection (a), by inserting '', and Indian tribes,'' after ''government'';

(2) in subsection (b), by inserting ''and programs of Indian tribes'' after ''regional programs'';

(3) in the second sentence of subsection (f), by striking ''other appropriate State or regional natural resource management agency'' and inserting ''other appropriate natural resource management agency of a State, region, or Indian tribe'';

(4) in subsection (h)(2), by inserting ''or Indian tribe'' before the period at the end; and

(5) in the first sentence of subsection (j)(2), by inserting ''Indian tribes,'' after ''governmental units,''.

(b) OPTIONAL STATE AND TRIBAL GRANT PROGRAM.—

''(1) IN GENERAL.—Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended by striking subsection (l) and inserting the following:

''(l) OPTIONAL STATE AND TRIBAL GRANTS.—

''(1) DEFINITION OF INDIAN TRIBE.—In this subsection, the term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(2) GRANTS.—At the request of a participating State or participating Indian tribe, the Secretary shall provide a grant to the State or Indian tribe to carry out the Forest Legacy Program.

''(3) ADMINISTRATION.—If a State or Indian tribe elects to receive a grant under this subsection—

''(A) the Secretary shall use a portion of the funds made available under subsection (m), as determined by the Secretary, to provide the grant to the State or Indian tribe; and

''(B) the State or Indian tribe shall use the grant to carry out the Forest Legacy Program.''.

(2) CONFORMING AMENDMENTS.—Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended—

(A) in subsection (i), by striking ''subsection (b)'' and inserting ''this section'';

(B) in subsection (j)(1), by striking the first sentence and inserting the following: ''Fair market value shall be paid for any property interest acquired under this section.''; and

(C) in subsection (k)(2), by striking ''United States or its'' and inserting ''United States, a State, Indian tribe, or other entity, or their''.

SEC. 204. FORESTRY AND RESOURCE MANAGEMENT ASSISTANCE TO INDIAN TRIBES.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—The Secretary of Agriculture may provide financial, technical, educational, and related assistance to an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) for—

(1) tribal consultation and coordination with the Forest Service on issues relating to—

(A) access by members of the Indian tribe to National Forest System land for traditional, religious, and cultural purposes;

(B) coordinated or cooperative management of resources shared by the Forest Service and the Indian tribe; and

(C) provision of tribal traditional, cultural, or other expertise or knowledge;

(2) projects and activities for conservation education and awareness with respect to forest land and grassland under the jurisdiction of the Indian tribe; and

(3) technical assistance for forest resources planning, management, and conservation on land under the jurisdiction of the Indian tribe.

(b) IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Agriculture shall promulgate regulations to implement subsection (a), including rules for determining the distribution of assistance under that subsection.

(2) CONSULTATION.—In carrying out paragraph (1), the Secretary shall engage in full, open, and substantive consultation with Indian tribes and representatives of Indian tribes.

(c) COORDINATION WITH THE SECRETARY OF THE INTERIOR.—The Secretary of Agriculture shall coordinate with the Secretary of the

Interior during the establishment, implementation, and administration of subsection (a) to ensure that programs under that subsection—

(1) do not conflict with tribal programs provided under the authority of the Department of the Interior; and

(2) meet the goals of the Indian tribes.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE III—PUEBLO OF SANTA CLARA AND SAN ILDEFONSO, NEW MEXICO

SEC. 301. DEFINITIONS.

In this title:

(1) AGREEMENT.—The term ''Agreement'' means the agreement entitled ''Agreement to Affirm Boundary Between Pueblo of Santa Clara and Pueblo of San Ildefonso Aboriginal Lands Within Garcia Canyon Tract'', entered into by the Governors on December 20, 2000.

(2) BOUNDARY LINE.—The term ''boundary line'' means the boundary line established under section 304(a).

(3) GOVERNORS.—The term ''Governors'' means—

(A) the Governor of the Pueblo of Santa Clara, New Mexico; and

(B) the Governor of the Pueblo of San Ildefonso, New Mexico.

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) PUEBLOS.—The term ''Pueblos'' means—

(A) the Pueblo of Santa Clara, New Mexico; and

(B) the Pueblo of San Ildefonso, New Mexico.

(6) TRUST LAND.—The term ''trust land'' means the land held by the United States in trust under section 302(a) or 303(a).

SEC. 302. TRUST FOR THE PUEBLO OF SANTA CLARA, NEW MEXICO.

(a) IN GENERAL.—All right, title, and interest of the United States in and to the land described in subsection (b), including improvements on, appurtenances to, and mineral rights (including rights to oil and gas) to the land, shall be held by the United States in trust for the Pueblo of Santa Clara, New Mexico.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 2,484 acres of Bureau of Land Management land located in Rio Arriba County, New Mexico, and more particularly described as—

(1) the portion of T. 20 N., R. 7 E., sec. 22, New Mexico Principal Meridian, that is located north of the boundary line;

(2) the southern half of T. 20 N., R. 7 E., sec. 23, New Mexico Principal Meridian;

(3) the southern half of T. 20 N., R. 7 E., sec. 24, New Mexico Principal Meridian;

(4) T. 20 N., R. 7 E., sec. 25, excluding the 5–acre tract in the southeast quarter owned by the Pueblo of San Ildefonso;

(5) the portion of T. 20 N., R. 7 E., sec. 26, New Mexico Principal Meridian, that is located north and east of the boundary line;

(6) the portion of T. 20 N., R. 7 E., sec. 27, New Mexico Principal Meridian, that is located north of the boundary line;

(7) the portion of T. 20 N., R. 8 E., sec. 19, New Mexico Principal Meridian, that is not included in the Santa Clara Pueblo Grant or the Santa Clara Indian Reservation; and

(8) the portion of T. 20 N., R. 8 E., sec. 30, that is not included in the Santa Clara Pueblo Grant or the San Ildefonso Grant.

SEC. 303. TRUST FOR THE PUEBLO OF SAN ILDEFONSO, NEW MEXICO.

(a) IN GENERAL.—All right, title, and interest of the United States in and to the land described in subsection (b), including improvements on, appurtenances to, and mineral rights (including rights to oil and gas) to the land, shall be held by the United States in trust for the Pueblo of San Ildefonso, New Mexico.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 2,000 acres of Bureau of Land Management land located in Rio Arriba County and Santa Fe County in the State of New Mexico, and more particularly described as—

(1) the portion of T. 20 N., R. 7 E., sec. 22, New Mexico Principal Meridian, that is located south of the boundary line;

(2) the portion of T. 20 N., R. 7 E., sec. 26, New Mexico Principal Meridian, that is located south and west of the boundary line;

(3) the portion of T. 20 N., R. 7 E., sec. 27, New Mexico Principal Meridian, that is located south of the boundary line;

(4) T. 20 N., R. 7 E., sec. 34, New Mexico Principal Meridian; and

(5) the portion of T. 20 N., R. 7 E., sec. 35, New Mexico Principal Meridian, that is not included in the San Ildefonso Pueblo Grant.

SEC. 304. SURVEY AND LEGAL DESCRIPTIONS.

(a) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Office of Cadastral Survey of the Bureau of Land Management shall, in accordance with the Agreement, complete a survey of the boundary line established under the Agreement for the purpose of establishing, in accordance with sections 302(b) and 303(b), the boundaries of the trust land.

(b) LEGAL DESCRIPTIONS.—

(1) PUBLICATION.—On approval by the Governors of the survey completed under subsection (a), the Secretary shall publish in the Federal Register—

(A) a legal description of the boundary line; and

(B) legal descriptions of the trust land.

(2) TECHNICAL CORRECTIONS.—Before the date on which the legal descriptions are published under paragraph (1)(B), the Secretary may correct any technical errors in the descriptions of the trust land provided in sections 302(b) and 303(b) to ensure that the descriptions are consistent with the terms of the Agreement.

(3) EFFECT.—Beginning on the date on which the legal descriptions are published under paragraph (1)(B), the legal descriptions shall be the official legal descriptions of the trust land.

SEC. 305. ADMINISTRATION OF TRUST LAND.

(a) IN GENERAL.—Effective beginning on the date of enactment of this Act—

(1) the land held in trust under section 302(a) shall be declared to be a part of the Santa Clara Indian Reservation; and

(2) the land held in trust under section 303(a) shall be declared to be a part of the San Ildefonso Indian Reservation.

(b) APPLICABLE LAW.—

(1) IN GENERAL.—The trust land shall be administered in accordance with any law (including regulations) or court order generally applicable to property held in trust by the United States for Indian tribes.

(2) PUEBLO LANDS ACT.—The following shall be subject to section 17 of the Act of June 7, 1924 (commonly known as the ''Pueblo Lands Act'') (25 U.S.C. 331 note):

(A) The trust land.

(B) Any land owned as of the date of enactment of this Act or acquired after the date of enactment of this Act by the Pueblo of Santa Clara in the Santa Clara Pueblo Grant.

(C) Any land owned as of the date of enactment of this Act or acquired after the date of enactment of this Act by the Pueblo of San Ildefonso in the San Ildefonso Pueblo Grant.

(c) USE OF TRUST LAND.—

(1) IN GENERAL.—Subject to the criteria developed under paragraph (2), the trust land may be used only for—

(A) traditional and customary uses; or

(B) stewardship conservation for the benefit of the Pueblo for which the trust land is held in trust.

(2) CRITERIA.—The Secretary shall work with the Pueblos to develop appropriate criteria for using the trust land in a manner that preserves the trust land for traditional and customary uses or stewardship conservation.

(3) LIMITATION.—Beginning on the date of enactment of this Act, the trust land shall not be used for any new commercial developments.

SEC. 306. EFFECT.

Nothing in this title—

(1) affects any valid right-of-way, lease, permit, mining claim, grazing permit, water right, or other right or interest of a person or entity (other than the United States) that is—

(A) in or to the trust land; and

(B) in existence before the date of enactment of this Act;

(2) enlarges, impairs, or otherwise affects a right or claim of the Pueblos to any land or interest in land that is—

(A) based on Aboriginal or Indian title; and

(B) in existence before the date of enactment of this Act;

(3) constitutes an express or implied reservation of water or water right with respect to the trust land; or

(4) affects any water right of the Pueblos in existence before the date of enactment of this Act.

SECTION BY SECTION ANALYSIS OF S. 3059—ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION JUDGMENT FUND DISTRIBUTION ACT OF 2002

Section 1. Short Title. The Act may be cited as the ''Assiniboine and Sioux Tribes of the Fort Peck Reservation Judgment Fund Distribution Act of 2002.''

Section 2. Findings and Purpose. Section 2 provides congressional findings including that in 1987, the Assiniboine and Sioux Tribes of the Fort Peck Reservation and five individual Fort Peck tribal members filed a complaint in the United States Claims Court in Assiniboine and Sioux Tribes of the Fort Peck Reservation v. the United States of America, Docket No. 773–87–L to recover interest earned on trust funds while those funds were held in special deposit and IMPL-agency accounts; in this case, the Court held that the United States was liable for any income derived from investment of the trust funds of the Tribe and individual members of the Tribe; the plaintiffs entered into a settlement with the United States for payment of the claims; the terms of the settlement were approved by the Court and judgment in the amount of $4,522,551.81 was entered;

Section 3. Definitions. Terms defined in this section include ''Distribution Amount,'' ''Judgment Amount,'' ''Principal Indebtedness,'' and ''Tribe.''

Section 4. Distribution of Judgment Funds. Section 4 describes how the distribution amount awarded to the Tribe shall be made available for tribal health, education, housing and social services programs of the Tribe and the amount of funds allocated among these uses shall be specified in an annual budget developed by the Tribe and approved by the Secretary of the Interior.

Section 5. Applicable Law. Section 5 provides that all funds distributed under this act, except those distributed under Section 4 are subject to sections 7 and 8 of the Indian Tribal Judgment Funds Use or Distribution Act.

Section 6. Agreement with Dry Prairie Rural Water Association, Incorporated. Section 6 provides that any agreement between the Tribe and the Dry Prairie Rural Water Association for the use of water that is entered into under section 5 of the Fort Peck Reservation Rural Water System Act of 2000 is approved by Congress and shall be approved and executed by the Secretary.

By Mr. THOMPSON:

S. 3067. A bill to amend title 44, United States Code, to make Government information security reform permanent, and for other purposes; to the Committee on Governmental Affairs.

Mr. THOMPSON. Mr. President, I rise today to introduce a bill which will make permanent a law which was intended to protect the security of Federal computers and information systems. Over the years, numerous Governmental Affairs Committee hearings and General Accounting Office reports uncovered and identified systemic failures of government information systems which highlighted our Nation's vulnerability to computer attacks, from international and domestic terrorists to crime rings to everyday hackers. As a result, Congress enacted the Government Information Security Reform Act as part of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, Public Law 106–398. Since its passage in the 106th Congress, the law has required Federal agencies to develop and implement security policies and provided the Office of Management and Budget authority to demand from agencies better plans for improving computer security. Unfortunately, this relatively new law is set to expire next month.

The information security legislation upon which the law is based, which I sponsored along with Senator LIEBERMAN, was reported by the Governmental Affairs Committee and passed by the Senate with no sunset provision. A two-year sunset was added in conference providing that the law expire on November 29, 2002.

The bill I am introducing today would repeal the sunset and restore the language to what originally was approved by the Governmental Affairs Committee and the Senate last Congress. Further, given that the law is commonly referred to as the ''Government Information Security Reform Act,'' the bill also would codify that short title.

We must ensure that Federal agencies continue to protect their assets and prevent hackers and cyberterrorists from wreaking havoc with citizens' sensitive information, such as taxpayer data, veterans' medical records, and social security portfolios. We must not let this law expire.

By Mr. SPECTER:

S. 3068. A bill to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to use the price of feed grains and other cash expenses as factors to determine the basic formula price for milk under milk marketing orders; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. SPECTER. Mr. President, I had sought recognition initially to discuss two other subjects. While the issue of Iraq is very much on the minds of the American people and the focus of attention worldwide, there are other important considerations which are pending and are of interest to Pennsylvanians and what is happening with the economy.

We really cannot let our attention focus solely on Iraq.

There are many matters which involve important economic issues and great numbers of jobs. That is a subject that is very much on my mind with respect to the Pennsylvania dairy farmers. I propose to introduce legislation this afternoon on that subject.

Agriculture is the largest industry in Pennsylvania, and dairy is its single largest component. Pennsylvania is the fourth largest dairy producer in the Nation. We have approximately 10,300 dairy farms which produce $1.710 billion worth of milk each year.

Regrettably, over the past decades, Pennsylvania has lost an average of 300 to 500 dairy farmers per year. In the years 1993 to 1998, Pennsylvania lost more than 11 percent of its dairy farmers. That is because Pennsylvania farmers have had to deal with drought and other natural disasters, high feed and transportation costs, and other variables that challenge their ability to sustain their farms, but mostly because the cost of production exceeds what has been the average price for class 3 dairy products. It varies tremendously. It was $15.90 in September of last year. It went down to $9.92 in September of this year. The cost has been tremendous.

Meanwhile, the average cost of production of milk in Pennsylvania per hundredweight is calculated by the Pennsylvania Department of Agriculture. The average was $14.32 in the year 2001. The price for milk in January of 2002 was $11.87 per hundredweight, going down to $10.82 per hundredweight in May, and $9.54 per hundredweight in August of this year. The cost of production exceeds what the Pennsylvania dairy farmers are able to obtain for their milk.

I serve on the Agriculture Subcommittee of Appropriations. On May 14 of last year at an extensive hearing in Philadelphia, we heard from economists, we heard from farmers, and an analysis for merchants and an analysis of what was happening on dairy farming.

It is a complex matter. While the price of milk goes down for dairy farmers, the cost of milk goes up to the consumer. I know at the shop where I buy a half-gallon of milk, it was $1.89, and it jumped to $2.19 for a half-gallon of milk at the precise time when the payments made to the dairy farmers were going down. It seems to me there really has to be an additional factor in the calculation of these prices by the U.S. Department of Agriculture.

It is for that reason that I am proposing legislation today which would amend section 8(c)(5) of the Agriculture Adjustment Act with amendments by the Agriculture Marketing Agreement Act of 1937 to add the following:

Subsection M, using as factors to determine the basic formula price for milk under an order issued pursuant to this section (i) the price of feed grains, including the cost of concentrates, byproducts, liquid, whey, hay, silage, pasture, and other forage; and (ii) other cash expenses, including the cost of hauling, artificial insemination, veterinary services and medicine, bedding and litter, marketing, custom services and supplies, fuel, lubrication, electricity, machinery and building repairs, labor, association fees, and assessments.

During the course of the July and August break, I traveled extensively on open house town meetings throughout Pennsylvania. I heard recurrent complaints from the dairy farmers about being unable to maintain the dairy farms. It is a very important matter that the small dairy farmers be able to continue to produce milk, which is a very important item in our daily diets. I don't think I need to expand upon that point.

But the dairy farmers are facing enormous problems. We had hoped there would be a dairy compact. There had been one for the New England States. Legislation has been introduced—S. 1157—which is now pending before the Judiciary Committee. And the dairy compact would be of material assistance to farmers generally but certainly farmers in Pennsylvania.

We had many Senators supporting the dairy compact concept but have had contentious battles on the Senate floor. And while the proposed legislation on the dairy compact was pending, I do propose the legislation to which I refer, and I send that amendment to the desk.

SUBMITTED RESOLUTIONS

SENATE RESOLUTIONS 335—RELATIVE TO THE DEATH OF JO-ANNE COE

Mr. DASCHLE (for himself and Mr. LOTT) submitted the following resolution; which was considered and agreed to:

S. RES. 335

Whereas Jo-Anne Coe served as an employee of the Senate of the United States and ably and faithfully upheld the high standards and traditions of the staff of the Senate from January 3, 1969 until January 31, 1989 for a period that included ten Congresses;

Whereas Jo-Anne Coe was the first woman in history to be elected as the Secretary of the Senate in 1985;

Whereas Jo-Anne Coe served as Secretary of the Senate, Administrative Director of the

Committee on Finance, Administrative Director of the office of Senator Bob Dole and chief of staff under Senator Dole;

Whereas Jo-Anne Coe faithfully discharged the difficult duties and responsibilities of a wide variety of important and demanding positions in public life, with honesty, integrity, loyalty, and humility;

Whereas Jo-Anne Coe's clear understanding and appreciation of the challenges facing the Nation has left her mark on those many areas of public life: Now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Jo-Anne Coe;

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased;

Resolved, That when the Senate recesses or adjourns today, it stand recessed or adjourned as a further mark of respect to the memory of Jo-Anne Coe.

SENATE CONCURRENT RESOLUTION 150—WELCOMING HER MAJESTY QUEEN SIRIKIT OF THAILAND ON HER VISIT TO THE UNITED STATES, AND FOR OTHER PURPOSES

Mr. BOND submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 150

Whereas the United States and the Kingdom of Thailand have enjoyed 169 years of peaceful and constructive relations since the signing of the Treaty of Amity and Commerce in 1833;

Whereas that document was the first such treaty signed between the United States and any Asian nation;

Whereas the United States enjoys both a bilateral security agreement and a military assistance agreement with Thailand and conducts several military exercises with the armed forces of Thailand every year, the largest of which is the Cobra Gold Exercise;

Whereas her Majesty Queen Sirikit, most notably as President of the Thai Red Cross Society, has made major contributions to advancing the social and economic welfare, and health, of the people of Thailand;

Whereas, in order to assist the rural poor of Thailand, Her Majesty Queen Sirikit serves as patron and chairperson of the Foundation for the Promotion of Supplementary Occupations and Related Techniques (SUPPORT);

Whereas, in her capacity as President of the Thai Red Cross Society, Her Majesty Queen Sirikit established the Khao Larn Thai Red Cross Center to provide food, shelter, and medical attention to Cambodian refugees fleeing the turmoil in their country; and

Whereas Her Majesty Queen Sirikit's contributions to the welfare of Thai citizens and of international refugees have been widely recognized by groups as diverse as the United Nations Food and Agriculture Organizations, the Fletcher School of Law and Diplomacy, and the British Royal College of Physicians: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress welcomes Her Majesty Queen Sirikit on her visit to the United States and expresses the hope that her visit will further strengthen the deep historical relationship between the United States and the Kingdom of Thailand.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President with the request that such copy be further transmitted to the Government of the Kingdom of Thailand.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on the nomination of Mark McClellan to be Commissioner of the Food and Drug Administration during the session of the Senate on Monday, October 7, 2002, at 1:30 p.m., in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Judicial Nominations'' on Monday, October 7, 2002, in Dirksen Room 226 at 2 p.m.

Panel I: The Honorable Richard Shelby; the Honorable Jeff Sessions; and the Honorable Lincoln Chafee.

Panel II: Rosemary Mayers Collyer to be U.S. District Court Judge for the District of Columbia; Mark Everett Fuller to be U.S. District Court Judge for the Middle District of Alabama; Robert Gary Klausner to be U.S. District Judge for the Central District of California; Robert Byron Kugler to be U.S. District Court Judge for the District of New Jersey; Ronald Bruce Leighton to be U.S. District Court Judge for the Western District of Washington; Jose Luis Linares to be U.S. District Court Judge for the District of New Jersey; and William Edward Smith to be U.S. District Court Judge for the District of Rhode Island.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Barbara Teraji, a congressional fellow in my office, be granted floor privileges for the discussion on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I make a unanimous consent request that Thomas Swanton, a staff member of my office, be granted floor privileges for the duration of debate on S.J. Res. 45.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that privilege of the floor be granted to Mark Swayne a Military Fellow in my office, as well as James Kadtke a Science and Technology Fellow in my office for the duration of the Senate's debate on S.J. Res. 45, a joint resolution to authorize the use of United States Armed Forces against Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEATH OF JO-ANNE COE

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 335, submitted earlier today by Senators DASCHLE and LOTT.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 335) relative to the death of Jo-Anne Coe.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, Jo-Anne Coe, who made history as the first woman to serve as the Secretary of the Senate after our good friend Bob Dole became Majority Leader in 1985, died suddenly on Friday, September 27, of an aneurysm.

We all have experienced the love and friendship of those most loyal staff who work for and with us over a period of years and eras in our lives. And I am calling to the Senate's attention today the loss of Jo-Anne Coe because she was an especially cherished friend and confidante of the entire Dole family, most recently serving as Bob's indispensable Chief of Staff in the private sector. Some referred to her as Bob's alter ego or ''Bob Dole in an ultra suede suit.'' All who knew her respected and admired her talent and loyalty to Bob and the Senate institution.

On behalf of the entire Senate family, I offer our profound sympathy and prayers to Jo-Anne's family, especially to her daughter Kathryn Lee Coe Coombs of Alexandria, VA.

I ask unanimous consent that a tribute to Jo-Anne Coe be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JO-ANNE COE, DOLE CHIEF OF STAFF, FIRST WOMAN SECRETARY OF THE SENATE

Jo-Anne Lee Coe, 69, Chief of Staff to former Senate Majority Leader Bob Dole, and the first woman to serve as Secretary of the US Senate, died September 27 at Inova Fairfax Hospital of an aneurysm. She was a Fairfax County resident.

Mrs. Coe had worked for Senator Dole for nearly 35 years, first joining the staff of then-Congressman Dole in early 1968 as he prepared for his first Senate race. initially a constituent caseworker, she rose through the ranks to become office manager.

In late 1975, she briefly left the senator's staff to accept an appointment in the Ford Administration. A few months later, President Ford tapped Senator Dole to be his Vice Presidential running mate and Mrs. Coe became Office Manager for the Vice Presidential campaign.

After the campaign, she returned as Office Manager in the Dole Senate office and became the staff member designated as political liaison to his campaign committee under the new Federal Election Campaign Act regulations.

When Senator Dole became Senate Majority Leader in 1985 he nominated Mrs. Coe as his choice for Secretary of the Senate. She was the first woman in history to be elected to this post. As well as supervising the Senate's vast administrative apparatus, historical and archival functions and

Interparlimentary relations with other countries; the Secretary of the Senate has numerous legislative and parliamentary functions including presiding over the Senate during the election of the President Pro Tempore.

Upon the Democrats regaining control of the senate in 1987, she returned to the Dole Senate staff until joining Senator Dole's 1988 Presidential campaign. Following the campaign, she was named Executive Director of Campaign America, the leadership PAC she had helped Senator Dole found.

Never one to seek the limelight for herself, she was surprised at the media attention she received during the 1996 campaign as the GOP Presidential nominee's confidante. However, in many ways she was seen politically as Senator Dole's alter ego. In a feature article during the 1996 campaign, the New York Times Rick Berke called her ''Bob Dole in ultra suede suit.''

Following the Presidential campaign, senator Dole joined the Washington law firm of Verner Liipfert MacPherson and Hand as Special Counsel and Mrs. Coe joined him there as his chief of staff, and advised clients on legislative strategy. She also managed Senator Dole's personal business interests, including relationships with speakers bureau and the publishers of his books, and assisted on a voluntary basis with fundraising for a number of causes promoted by senator Dole, including the World War II Memorial Commission, the Dole Institute of Politics at the University of Kansas, and the Families of Freedom Scholarship fund, co-chaired by Senator Dole and Former President Clinton to assist the families of 9/11 victims.

Born Jo-Anne Lee Johnson in Coronado, California in 1933, Mrs. Coe was the daughter of Admiral Roy Lee Johnson, Commander in Chief of the US Pacific Fleet during the Vietnam conflict and the first commander of the USS *Forrestal*; and of the former Margaret Louise Gross of Georgetown, now both deceased. On her mother's side, she was a seventh generation Washingtonian.

Mrs. Coe attended the College of William and Mary and spent a year at Alexandria's George Washington High School during one of her father's many assignments in the Washington area. She was briefly married while in college to Benjamin P. Coe of New York and leaves one daughter, Kathryn Lee Coe Coombs, of Alexandria, Virginia.

She first came to Capitol Hill as an aide to Representative Harold D. Cooley, a conservative Democrat and powerful chairman of the House Agriculture Committee, who was credited with brokering the deal whereby then-Senator John F. Kennedy chose Senate Majority Leader Lyndon B. Johnson as his running mate.

In 1962–67, she left the Washington area to follow her parents in her father's various assignments to senior U.S. Navy posts in Nebraska, Japan and Hawaii. She worked as a secretary for the U.S. Navy and U.S. Air Force, returning to Capitol Hill in early 1968 upon her father's retirement. She interviewed for jobs among her Agriculture Committee contacts on both sides of the aisle and accepted a job with then-Rep. Bob Dole, whom she'd briefly met when he was a freshman Congressman on the Committee in 1961.

A former children's church choir instructor, she was an active parishioner at the church of St. Lawrence the Martyr in Franconia and a donor to a variety of Catholic and other charities. A month before her death, she had bought a historic farmhouse in King George County, Virginia and was in the midst of planning to work part time and telecommute so that she could spend more time painting and pursuing other hobbies.

In addition to her daughter she also leaves a nephew, Kevin Lee Johnson of Scottsdale, Arizona and niece, Kindra Lee Johnson Vincent, of Seattle; children of her late brother Roy Lee Johnson, Jr. The family and friends are establishing the Jo-Anne Coe Memorial Foundation to aid a variety of charitable and educational causes, including establishing an annual award to recognize up and coming young women on Capitol Hill who exhibit the traits of honesty, integrity, loyalty and humility for which Mrs. Coe was known.

Mr. REID. Mr. President, I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid on the table, and that any statements related to this matter be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 335) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 335

Whereas Jo-Anne Coe served as an employee of the Senate of the United States and ably and faithfully upheld the high standards and traditions of the staff of the Senate from January 3, 1969 until January 31, 1989 for a period that included ten Congresses;

Whereas Jo-Anne Coe was the first woman in history to be elected as the Secretary of the Senate in 1985;

Whereas Jo-Anne Coe served as Secretary of the Senate, Administrative Director of the Committee on Finance, Administrative Director of the Office of Senator Bob Dole and Chief of Staff under Senator Dole;

Whereas Jo-Anne Coe faithfully discharged the difficult duties and responsibilities of a wide variety of important and demanding positions in public life, with honesty, integrity, loyalty, and humility;

Whereas Jo-Anne Coe's clear understanding and appreciation of the challenges facing the Nation has left her mark on those many areas of public life: Now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Jo-Anne Coe.

Resoved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of deceased.

Resolved, That when the Senate recesses or adjourns today, it stand recessed or adjourned as a further mark of respect to the memory of Jo-Ann Coe.

WELCOMING QUEEN SIRIKIT OF THAILAND

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 150, submitted earlier today by Senator BOND.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 150) welcoming Her Majesty Queen Sirikit of Thailand on her visit to the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 150) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S CON. RES. 150

Whereas the United States and the Kingdom of Thailand have enjoyed 169 years of peaceful and constructive relations since the signing of the Treaty of Amity and Commerce in 1833;

Whereas that document was the first such treaty signed between the United States and any Asian nation;

Whereas the United States enjoys both a bilateral security agreement and a military assistance agreement with Thailand and conducts several military exercises with the armed forces of Thailand every year, the largest of which is the Cobra Gold Exercise;

Whereas her Majesty Queen Sirikit, most notably as President of the Thai Red Cross Society, has made major contributions to advancing the social and economic welfare, and health, of the people of Thailand;

Whereas, in order to assist the rural poor of Thailand, Her Majesty Queen Sirikit serves as patron and chairperson of the Foundation for the Promotion of Supplementary Occupations and Related Techniques (SUPPORT);

Whereas, in her capacity as President of the Thai Red Cross Society, Her Majesty Queen Sirikit established the Khao Larn Thai Red Cross Center to provide food, shelter, and medical attention to Cambodian refugees fleeing the turmoil in their country; and

Whereas Her Majesty Queen Sirikit's contributions to the welfare of Thai citizens and of international refugees have been widely recognized by groups as diverse as the United Nations Food and Agriculture Organizations, the Fletcher School of Law and Diplomacy, and the British Royal College of Physicians: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress welcomes Her Majesty Queen Sirikit on her visit to the United States and expresses the hope that her visit will further strengthen the deep historical relationship between the United States and the Kingdom of Thailand.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President with the request that such copy be further transmitted to the Government of the Kingdom of Thailand.

ORDERS FOR TUESDAY, OCTOBER 8, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. Tuesday, October 8; that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day; that there be a period of morning business until 10 a.m., with Senators permitted to speak therein up to 10 minutes each, with the first half of the time under the control

of the Republican leader or his designee, and the second half of the time under the control of the Democratic leader or his designee; that at 10 a.m. the Senate resume consideration of S.J. Res. 45; further, that the Senate recess from 12:30 until 2:15 p.m. for the weekly party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Mr. President, there was a unanimous consent request earlier today, which has been approved, that the time from when we come in at 10 o'clock tomorrow to begin work on this resolution until 12:30 be in 15-minute slots, and we would be happy to alternate back and forth. But it would be to everybody's advantage if those wishing to speak would notify their respective cloakrooms. What I will do in the morning, when we come in at 9 o'clock, is set that up so people will know when to come. We would set up an order of procedure for debate in this matter. I think that would save Senators a lot of time, and it would allow us to move along in the matter more quickly.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order following the remarks of the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

WORK TO BE DONE BEFORE ADJOURNMENT

Mr. DASCHLE. Mr. President, let me thank the distinguished assistant Democratic leader for his characteristic leadership and cooperation as we have worked through so many of these procedural issues. I thank him so much for all he has done on the floor in the last few weeks.

We have had the debate on the resolution now for a couple of days. They have been good days. I think Senators have used the time wisely and productively, and I think it has been very constructive and respectful debate, as we hoped it would be.

I have indicated to Senator LOTT it is my hope we can reach an agreement tomorrow about how we might proceed to the completion of the debate. I am hopeful we might propound a unanimous consent request that would accommodate the Senators who wish to offer amendments, that those amendments be debated tomorrow, Wednesday, and Thursday, and that we have a vote on final passage on Thursday night.

That would allow an entire week to have debate on this resolution. Senators will have ample time to be heard and to speak tomorrow, Wednesday, and Thursday. We will go late into the night, if we have to, to accommodate Senators who wish to be heard. But I think that is sufficient time. So I will make such a request after further consultation with colleagues on both sides of the aisle.

I hope Senators will accommodate our desire, recognizing first that, as important as this is, there are other issues that still have to be addressed prior to the time we leave. We have to deal with the continuing resolution; we have to deal with the budget enforcement resolution; we have to deal with homeland security.

Given the fact that tomorrow will be 1 month to the day before the election, that is a lot to be done in a very short period of time. So I urge Senators to work with us to accomplish these legislative goals and recognize there are other issues as well that we hope to deal with, such as nominations, perhaps conference reports; the election reform conference report ought to be done. I would like to see bankruptcy done.

In any case, we have work that cannot be done unless we are cognizant of the limited time available and make use of every day. Again, I appreciate everyone's cooperation to date. I hope we can reach that agreement tomorrow and we can complete our work on this resolution by sometime Thursday night.

I yield the floor.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9 o'clock tomorrow morning.

Thereupon, the Senate, at 6:15 p.m., adjourned until Tuesday, October 8, 2002, at 9 a.m.

EXTENSIONS OF REMARKS

A PROCLAMATION HONORING CONGRESSMAN RALPH REGULA

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. NEY. Mr. Speaker, Whereas, Congressman REGULA has exemplified leadership in Holmes County Ohio for 20 years; and

Whereas, Congressman REGULA demonstrated a steadfast commitment to meet challenges with passion, diligence, and confidence; and

Whereas, Congressman REGULA is to be commended for his faithful representation of Holmes County interests in Washington, DC; and

Whereas, Congressman REGULA has been a dedicated and loyal Representative for Ohio's 16th District;

Therefore, I join with the residents of the entire 18th Congressional District in commending Congressman RALPH REGULA for his 20 years of outstanding service to Holmes County.

IN HONOR OF MR. PANAYIOTIS PAPANICOLAOU

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Mr. Panayiotis Papanicolaou for his selfless commitment to the cause of justice and peace in Cyprus, as well as for his tremendous contributions to New Jersey's business community. For his devotion, Mr. Papanicolaou was awarded the Justice for Cyprus award at the Cyprus Federation of America's annual awards Gala on Saturday, October 5.

As a result of his great talent, hard work and dedication, Mr. Papanicolaou is now principal of J.F. Contracting Corporation, a Brooklyn-based construction and engineering firm. He is also affiliated with the following organizations: The American Society of Engineers; the National Society of professional Engineers; the Civil Engineering Honor Society; the Greek Orthodox Archdiocean Council; and the Advisory Board of Queens College and Saint Basil's Academy.

Mr. Papanicolaou has worked tirelessly and has achieved great distinction for his work towards peace in his native land. He is currently serving as vice president of the Cyprus Children's Fund, and, from 1995 through 1999, he served as supreme president of the Cyprus Federation of America.

Born in Nicosia, Cyprus, Mr. Papanicolaou served in the National Guard of Cyprus, and attended the New Jersey Institute of Technology, NJIT, where he earned a bachelor's degree in civil engineering and a master's degree in construction engineering and construction management.

The Justice for Cyprus awarded has been presented to individuals, who have demonstrated steadfast dedication and unparalleled commitment to the causes of freedom and justice. Mr. Papanicolaou most unequivocally fits this profile and is most deserving of this award.

Mr. Papanicolaou and his wife, Nasia, have two daughters, Elizabeth and Elena.

Today, I ask my colleagues to join me in honoring Mr. Panayiotis Papanicolaou for his commitment to the people and the freedom of Cyprus, and to his unremitting devotion to a just and peaceful world.

PERSONAL EXPLANATION

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. BARRETT of Wisconsin. Mr. Speaker, because of commitments in my home State of Wisconsin, I was unable to vote on rollcall Nos. 400 through 403. Had I been present, I would have voted: ''No'' on rollcall No. 400; ''no'' on rollcall No. 401; ''aye'' on rollcall No. 402; and ''aye'' on rollcall No. 403

SALUTE TO BRIGADIER GENERAL JOSEPH FOSS

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. DREIER. Mr. Speaker, in recent months we have been continually reminded of America's heroes both here at home and abroad. The sacrifices of these men and women have been recognized by a very grateful country and will never be forgotten. These newly discovered American heroes hail from a long tradition of men and women who have selflessly given themselves to this great Nation.

Brigadier General Joseph Foss exemplifies this American tradition and is a model of unselfish service and sacrifice. As an 11-year-old farm boy from South Dakota, Joe was inspired to fly by an encounter with Charles Lindbergh at a rural airport near Sioux Falls. This desire fueled the fire of a man who, during World War II, became one of America's leading Marine Aces with 26 confirmed and 16 probable kills in the fight for Guadalcanal. In May 1943, General Foss received America's highest honor, the Congressional Medal of Honor, for outstanding heroism above and beyond the call of duty.

Upon his return home from the war, General Foss served in public office as a member of the South Dakota State House and was overwhelmingly elected to two terms as Governor. We have also been blessed by his contributions as President of the National Society of Crippled Children and Adults and the National Rifle Association. Joe Foss also served as the first Commissioner of the American Football League, where his work led to the birth of one of America's favorite sporting events—the Super Bowl.

Such a lifetime of selfless action speaks for itself. However, General Foss is not yet finished. Along with the Foss Institute, he has taken on a new task, leading senior veterans in a campaign to educate our country's youth in military history and the true meaning of patriotism. At 87 years young, this great American is continuing to serve his country in very valuable ways. I ask that the Congress join me in honoring one of America's most appreciated and loved heroes, Brigadier General Joseph Jacob Foss.

A PROCLAMATION HONORING WILLIAM JAKE OLSAVSKY

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. NEY. Mr. Speaker, Whereas, William J. Olsavsky, known simply as Coach ''O'', was an accomplished football player and played as a Wheeling Ironman from 1962–1969; and

Whereas, Coach ''O'' is an example to all who know him, especially his students, of steadfast character and loyal friendship; and

Whereas Coach ''O'' is to be commended for his hard work and dedication to the Students of Wheeling Central High, Brilliant High, Bellaire High, and Union Local High School where he served as Head Football Coach from 1963–2002; and

Whereas Coach ''O'' has received numerous awards and accolades testifying to his character, passion, dedication, and talent; and

Therefore, I join with the residents of the entire 18th Congressional District in congratulating William J. Olsavsky on his retirement after 40 years of brilliant service in education and coaching.

TRIBUTE TO DR. CHARLES KRAUTHAMMER

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. COX. Mr. Speaker, I rise today to honor Dr. Charles Krauthammer, a journalist who is very well known to the Members of this body. On September 5, 2002, Charles Krauthammer was honored with the ''Mightier Pen'' award from the Center for Security Policy.

The Center for Security Policy launched the ''Mightier Pen'' Award in 2001 to recognize individuals who have, through their published writings, contributed to the public's appreciation of the need for robust U.S. national security policies and military strength as an indispensable ingredient in promoting international peace.

This is not the first, or the most widely known honor for Dr. Krauthammer. He has received many such honors before, among the most significant being the 1987 Pulitzer Prize for distinguished commentary and the 1984 National Magazine Award for essays.

Today, I bring to the attention of my colleagues the ''Mightier Pen'' Award not only because it has meaning with respect to Dr. Krauthammer's talent and intellect, but because it has particular meaning for our nation, even more so as we consider the next steps in the War on Terrorism.

Dr. Krauthammer initiated his weekly column for The Washington Post in January 1985. It now appears in more than 100 newspapers. Most of us have had the chance to read him weekly. We could do no better than to consider his cogent analysis as we make critical decisions in the coming weeks and months that will doubtlessly influence the future of our national security for many years to come.

IN HONOR OF ANDREW A. ATHENS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Andrew A. Athens for his outstanding leadership and contributions to the cause of justice and peace in Cyprus. For his commitment, he was awarded with the Justice for Cyprus award at the Cyprus Federation of America's annual Awards Gala on Saturday, October 5, 2002.

In December 1995, Mr. Athens became the first elected World President of the World Council of Hellenes (SAE) in Thessaloniki, Greece. SAE is an historic, international movement that unites seven million Hellenes around the world and ten million Hellenes in Greece under one non-profit, non-governmental organization. Under the successful direction of Mr. Athens, SAE developed programs aimed at improving the basic health care services available to Hellenic and general populations in Albania, Armenia, Georgia, Kazakhstan, Southern Russia, Ukraine and Uzbekistan, and created the World Youth Organization with regional youth organizations.

Mr. Athens' focus of peace and justice in Cyprus has dominated his life. He founded the United Hellenic American Congress (UHAC) in Chicago twenty-six years ago, is Chairman and co-founder of the board of the Hellenic American Chamber of Commerce, and is an Honorary Member of the Board of Directors of the American Foundation of Greek Language and Culture (AFGLC), dedicated to preserving and propagating the Greek language and tradition in the United States.

Mr. Athens enjoyed a successful business career serving as founding President and Chief Executive Officer of Metron Steel Corporation.

In recognition of his extensive civic and humanitarian services, Mr. Athens has been presented with a multitude of awards, including: the Gold Cross of the Order of the Phoenix by the Greek Government; a Limited Issue Gold Commemorative Medallion honoring Archbishop Makarios, presented by the former president of Cyprus, the late Spyros Kyprianou; the Gold Medal of St. Barnabas; the John F. Kennedy Public Servant Award; Belgium's Commander in the Order of Leopold II; Ellis Island Congressional Medal of Honor; Grand Cross of the Order of Merit; and Medal of the Municipality of Athens.

A true hero of America, Mr. Athens served in the United States Army for five years. He held the position of U.S. Captain in the Middle East and European Theaters in World War II, and was awarded the Bronze Star for the Egypt-Libya Campaign and the Army Commendation Ribbon.

Mr. Athens and his wife, Louise, have two children, Paul and Jacqueline.

Today I ask my colleagues to join me in honoring Andrew Athens for his exceptional leadership and many accomplishments in the cause of justice and peace in Cyprus.

HUGH CLARK: CARVING OUT A MODEL FOR HARBOR BEACH

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to Hugh Clark of Harbor Beach, Michigan, upon the occasion of his being honored by the Harbor Beach Historical Society and Friends of the Frank Murphy Museum for his significant and inspiring contributions to his community. Hugh Clark has spent a lifetime volunteering his time and talents to benefit others and his exemplary efforts stand as a model for others to follow.

In 1957, Hugh moved to Harbor Beach with his wife, Joleen, to teach science at Harbor Beach Community School. It wasn't long before both Hugh and Joleen joined the Jaycees, beginning a pattern of volunteerism and community service that would last to this day. A naturalist by training, Hugh also writes an informative column for the Harbor Beach Times.

A popular science teacher for many years, Hugh devoted his life to educating young people in and out of the classroom. He spent 30 years in various roles with the Boy Scouts of America, serving as cub master, scout master and Round Table Commissioner for the Thumb District until retiring from scouting in 1995. Today, many adults in Harbor Beach and beyond still have found boyhood memories of scouting trips and nature excursions led by Hugh Clark.

More than 20 years ago, Hugh had a little down-time while on a canoe trip. He took out a carving knife and began sculpting a block of wood. Hugh's chiseling soon led to a new hobby, wood carving. He started out making wooden neckerchiefs for Boy Scouts, which he donated for sale. The Boy Scouts raised more than $10,000 from the sale of Hugh's wood carvings. He also crafts pieces for the Wooden Canoe Heritage Association and items to be sold to benefit the Harbor Beach Lighthouse and Breakwall Preservation Society and for the Friends of the Frank Murphy Museum.

Naturally, Hugh acknowledges that he could not possibly have given so freely and generously of his time and talents without the enthusiastic support of his loving wife, Joleen, and his three children, Don, Kathy and Valerie. They deserve our commendation and gratitude as well.

Mr. Speaker, I ask my colleagues to join me in commending Hugh Clark for giving so much back to his community and for his praiseworthy devotion to our young people. Hugh Clark has touched an untold number of lives and I am confident he will continue to reach out to his community for many years to come.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE PATSY T. MINK, MEMBER OF CONGRESS FROM THE STATE OF HAWAII

SPEECH OF

HON. CYNTHIA A. McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Ms. MCKINNEY. Mr. Speaker, I rise to remember our colleague, Representative PATSY MINK.

It was with great sadness that I learned of the death of my friend and colleague, Congresswoman PATSY MINK this weekend.

I offer my deepest condolences to PATSY's family, her constituents, and the State of Hawaii. Her passing is a loss to us all.

PATSY was a leader on many issues during her 23-year tenure in Congress, and I believe that she truly did do what many, if not all Representatives seek to accomplish here in Washington, DC—she made a difference.

PATSY was the co-author for Title IX of the Education Amendments Act of 1972, which mandated gender equality in education. Thanks to her work, millions of women were afforded greater access to education, school grants and scholarships, and athletic opportunities.

PATSY was also a leader on an issue that is close to my heart, the Freedom of Information Act. In 1971, PATSY filed suit along with 32 other Members of Congress to force disclosure of reports on underground nuclear attacks in the Aleutian Islands of Alaska. This case was later cited as precedent by the U.S. Supreme Court in its ruling for the release of the Watergate tapes.

PATSY MINK was also an advocate for the protection and conservation of the natural resources of our Nation, and of Hawaii. A former assistant secretary of state for Oceans and International, Environmental and Scientific Affairs, where she helped strengthen protection of whales and regulations of toxic dumping and ocean mining, PATSY brought her advocacy back to Congress with her. In the 107th Congress, she introduced legislation to create the East Maui National Heritage Area, to expand the Pu'uhonua Honaunau National Historic Park, and to establish the Kalaupapa National Historic Park. Further, PATSY was involved in the successful effort to reform laws permitting strip mining. It is fitting then that PATSY was a recipient of the Friends of the National Parks Award from the National Parks Conservation Association.

On these, and many other fronts, PATSY was a dedicated and devoted leader and champion. I consider it a privilege to have served with PATSY, and I believe that Congress has lost an important and respected Member.

PERSONAL EXPLANATION

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mrs. JONES of Ohio. Mr. Speaker, please be advised that I missed votes on Tuesday, October 1, 2002 due to a funeral of an employee. Had I been present, the record would reflect that I would have voted: on rollcall No. 424, S. 434 Motion To Suspend the Rules and Pass Yankton Sioux Tribe of South Dakota and Santee Sioux Tribe of Nebraska, ''yea,'' on rollcall No. 425, H.R. 4125 Motion To Suspend The Rules and Pass Federal Courts Improvement Act of 2002, ''yea,'' and on rollcall No. 426 H. Res. 538 Motion To Suspend the Rules and Agree Honoring Johnny Unitas and extending condolences to his family on his passing, ''yea.''

AMERICAN LEGION'S DISTRICT OF COLUMBIA 2002 HIGH SCHOOL ORATORICAL CONTEST

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. BARRETT of Wisconsin. Mr. Speaker, I would like to share with my colleagues a speech written and delivered by Nicholas ''Nick'' Barbash, a senior at School Without Walls, a District of Columbia Public Senior High School. Nick's family hails from my Congressional District in Wisconsin and both of his parents have been employed as professional staff in the House of Representatives. Nick's speech, entitled ''Taxation Without Representation in the District of Columbia'' recently won First Place in the American Legion's District of Columbia 2002 High School Oratorical Contest. I hope that you will enjoy Nick's speech which makes the case for DC voting rights from both a historical and moral perspective.

In a time when young people are so often dismissed as passive and uninterested in relevant social issues, Nick's winning speech shows how a young person can make a difference in promoting a message to his fellow students and the general public. After placing first in the DC contest, Nick had the opportunity to deliver this speech to the National Finals of the American Legion's contest in Indianapolis, Indiana. According to Nick, other participants in the competition as well as their parents were unaware that DC residents had no full voting rights.

Nick's argument will help enlighten those who are still unaware of the injustice residents of the District feel in grappling with their lack of representation.

TAXATION WITHOUT REPRESENTATION IN THE NATION'S CAPITAL

(Written and delivered by Nicholas M. Barbash)

Ladies and gentleman, imagine for a moment that you are touring Washington, D.C. Where would you go? You would probably visit the Washington Monument, the Lincoln Memorial, the U.S. Capitol, the White House, and I am sure you would also visit the National Archives. You would go into the main chamber, you would peer through the thick glass, and you would see the actual documents on which our country was founded: the Declaration of Independence and the Constitution. And in the midst of your awe and reverence stand the guards, who are hurrying you along in line and making sure no harm comes to these documents.

I bet you did not know that many of those guards, who protect the Constitution, are not protected by the Constitution. They are just a few of 500,000 residents of Washington, D.C. who are lawful American citizens, with all duties and obligations thereof, but are not represented in the federal government. Congress has total control over Washington, D.C.; it approves and can veto any actions by the local government. However, D.C. has no representation in Congress, no senators, no congressmen, and up until 1961, we could not even vote for president.

This situation has been going on in our nation's capital for more than two hundred years now because of Article I, Section 8, Clause 17 of the Constitution. This states that Congress shall have power ''to exercise exclusive legislation in all cases whatsoever over such district . . . as may . . . become the seat of government of the United States.'' In 1787, when the Constitution was written, there was a good reason for this clause. There were serious tensions between Northern and Southern states, and the capital needed to be independent so it would not be controlled by any of the states.

But times have changed, and this issue is now obsolete. And the Founding Fathers, in their infinite wisdom and foresight, knew that times would change, and that additions or corrections to the Constitution would have to be made, as the great Supreme Court Justice John Marshall said, ''to be adapted to the various crises of human affairs.'' Well in America, taxation without representation in the nation's capital is a crisis of human affairs.

After America gained independence but before our modem Constitution was ratified, this country wasn't really the United States. It was two groups of separate states, northern and southern, with interests so different that they could almost be considered separate nations. Now if these states were to permanently remain one nation, the capital would have to be on neutral ground, controlled by no state. So the Framers wrote in the Constitution that the governing district would be controlled by Congress. They did not imagine that anyone besides members of Congress would ever actually be living there, but ordinary people did begin to move in starting in 1800. Sixty-five years later, Reconstruction after the Civil War seemed like the perfect time to renew the vows of democracy and to finally grant representation to D.C., as the issue of northern or southern domination of the capital had been put to rest with the end of the Civil War.

However, Congress did almost the exact opposite in 1876, when it arbitrarily abolished the local government and put the city under the control of three presidentially appointed commissioners. It took almost a century after that until the offices of mayor, city council, and school board were finally restored. However, in 1995, Congress stripped the local government of all appreciable power and gave it to another presidentially appointed body. Then in 1999, as soon as a mayor they liked was elected, they gave it back.

Ladies and gentlemen, not only are these actions contrary to everything the Constitution stands for, but they are very similar to the actions King George III committed that caused America to declare independence in 1776. There are several paragraphs in the Declaration of Independence in which Thomas Jefferson lists these actions. Among them: ''For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever,'' ''For imposing taxes on us without our consent,'' ''For dissolving representative houses repeatedly.'' The parallel is unmistakable. America declared independence from England because England was doing to them in 1776 what America is doing to Washington, D.C. in 2002.

Washington, D.C. did file a citizens lawsuit in 1998, which made it all the way to the Supreme Court. The suit made the claim that the Constitution guarantees states a republican form of government but not D.C., thereby denying the fourteenth amendment right of equal protection under the law. The city is a federal enclave, and the argument was made that some federal enclaves eventually became states, such as Wyoming and Alaska, and others, such as military bases abroad, allowed their residents to vote in other states. D.C. was allowed neither of these, even though it is almost as populous as Alaska, more populous than Wyoming, and more prosperous than both of them. The Court rebutted this argument on the grounds that the specific wording of the fourteenth amendment is that ''no state shall deny . . . equal protection of the laws,'' and of course D.C. is not a state. It also recognized that though Article I, Section 8 obviously does not apply anymore, it is not the role of the Court to update the Constitution for our times; that is the role of Congress and of the state legislatures.

That's the legal perspective on this issue. Here's the moral perspective:

D.C. residents have all the duties and obligations to the government that go with being a U.S. citizen. We pay taxes to the federal government, we serve in the military, we appear for jury duty,—we have all the obligations. What we do not have are the rights that go with those obligations: representation in the federal government and unabridged self government. These rights are guaranteed in the body of the Constitution, and they are also guaranteed in the Preamble of the Constitution: ''To secure the blessings of liberty. ''

Like everyone else across the country, we pay federal taxes. As a matter of fact, we pay higher taxes than 49 states. But unlike everyone else across the country, we can't elect the people who decide how those tax dollars are spent. In 1767, the Massachusetts lawyer James Otis declared that ''taxation without representation is tyranny.'' Now a lot has changed in this country since Otis' time. But two important things are constant for all Americans: voting and taxes.

In 1767, America had the taxes but not the vote. As the country became independent and progressed through time, the poor paid taxes and eventually got the vote; women paid taxes and eventually got the vote; minorities paid taxes and eventually got the vote; D.C. paid taxes but did not get the vote. Our America may be very different from James Otis' America, but taxation without representation is still tyranny!

D.C. lost more soldiers in the Vietnam War than 10 states did. A D.C. marine regiment was recently sent to fight in Afghanistan. They're fighting the war, but they are without a say in whether or not they should be fighting the war. Even thirty years ago, the Washington Star newspaper said about this issue, ''What right have we to hurl epithets and denunciations at dictatorships and totalitarian states in other parts when an almost perfect example of irresponsible forms of government is maintained by our own national government in our own national capital?''

Congress took power from the D.C. government in 1995 because it essentially felt that

the mayor was corrupt. Well, mayors of other cities have been corrupt. They were impeached, removed from office, and in some cases, legal action was taken. But the power of their office itself was not removed. Voters in their cities were not denied their right to elect their leaders because an outside body judged one of them to be corrupt. Things like this do not happen anywhere in America except in D.C.

Injustices in Washington, D.C. have gone on long enough. The Founding Fathers had good reasons for denying D.C. representation, but their reasons have outlived their time, and it is time to do something about it. It is time to rise above partisan differences and recognize that everyone living in the capital city, Democrats, Republicans, and all others are denied rights which are granted to all other Americans under the Constitution. It is time to exercise Article V of the Constitution and pass an amendment giving residents of Washington, D.C. their lawful rights as American citizens.

We do not dishonor the Founding Fathers when we say that one of their ideas has outlived its time. On the contrary, we honor their democratic ideals by extending liberty and justice to all. And we paraphrase the words of a man whose memorial you visited in Washington, D.C. that a government of the people, by the people, and for the people must and shall be restored to our capital city.

Thank you very much, ladies and gentlemen.

A PROCLAMATION RECOGNIZING THE RETIREMENT OF CHARLES MILLER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. NEY. Mr. Speaker, Whereas, Charles Miller has served as mayor of the village of Gnadenhutten for 30 years; and

Whereas, Charles Miller also served Gnadenhutten as a member of the Village Council; and

Whereas, Charles Miller has been a steadfast and hard-working leader and will continue to be an admired citizen of the State of Ohio; and

Whereas, Charles Miller has used his position as mayor of Gnadenhutten to help better the lives of hundreds of people; and

Whereas, Charles Miller must be commended for his professionalism and his ability to motivate those around him by establishing a superb example; and

Whereas, Charles Miller's dedication and service as mayor will be missed by the entire Gnadenhutten community.

Therefore, I join with the residents of the village of Gnadenhutten and the entire 18th Congressional District of Ohio in celebrating Charles Miller's years of service and retirement.

MEMORIAL RESOLUTION—MILA WILLIAMS BROOKS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. FARR of California. Mr. Speaker, I rise today to honor a public servant of the highest degree. Ms. Mila Williams Brooks, a former Peace Corps Country Director and economic development consultant for USAID, died in Washington, D.C., on September 4 after a long but spirited battle with cancer. She was 75. As a returned Peace Corps Volunteer, I wish to take this moment to express my sympathy to her family, and to pay tribute to her extraordinary life.

An independent woman of unsurpassed energy with a remarkable sense of adventure and fun, Mila was born in Topeka, Kansas. She graduated from the University of Kansas with degrees in Political Science and French. After college, she married and had five children. In the mid-sixties Mila drove to Mexico with four young children in tow to establish a new life and offer her children cross-cultural opportunities. In Mexico, she learned fluent Spanish, attended graduate school, and hosted a radio show. In 1969, she returned to the United States and began work with the Peace Corps. In 1973, she was appointed Deputy Peace Corps Country Director in Santiago, Chile. Before returning to the U.S. in 1977, she served as an economic development consultant for the U.S. Agency for International Development (USAID) and as the Southern Cone regional representative of the Young Men's Christian Association.

In 1985, she was appointed Country Director of the Peace Corps in the Dominican Republic, a post she held until 1988. In 1989, she was selected as one of two Americans to work in pre-election activities in Nicaragua. Following the 1990 elections, she was selected to run USAID's democratic initiatives program in Nicaragua, a post she held until 1993. That year, again stateside, she settled in Napa, California, and continued to consult internationally.

Mila was a fiercely devoted and loving mother. Throughout her life, she had the gift of loyal and loving friends who received the great gift of her love and friendship in return. She will be deeply missed and mourned by all who knew her, especially her four children Trent, Mia, Brad and Holly and her three grandchildren Tiffany, Maxwell, and Sophie.

CENTRAL NEW JERSEY CELEBRATES THE DEDICATED COMMUNITY SERVICE OF CATHERINE S. GRAHAM

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. HOLT. Mr. Speaker, I rise today to recognize and honor the commitment of Catherine S. Graham to the betterment of central New Jersey.

From her first call to public service in 1957 in the clerk's office of the Mercer County Court House, Catherine Graham began a pattern of commitment to her community that continues today as a general consultant in education and human services.

Her dedication to the people of central New Jersey can be seen in her battles for quality education in our public schools, which culminated in the position of Executive Director of the Trenton Educational Development Corporation, a nonprofit agency dedicated to the advocacy of quality education and continues to this day in her chairpersonship of the Trenton Parent Involvement Committee.

Her dedication to the people of central New Jersey can be felt in her passion for delivering quality services in welfare, public health, and social services when she was the Director of Health and Human Services for the City of Trenton.

Her dedication to the people of central New Jersey can be witnessed by her efforts in the African American community on the Board of Directors of the Trenton Branch of the NAACP, on the Board of Directors of the New Jersey State Conference of NAACP Branches and in the National Caucus of Black Women.

The service to Central New Jersey performed by Catherine S. Graham is impressive and commendable and I am proud to rise here today in her honor.

HONORING JOHNNY UNITAS AND EXTENDING CONDOLENCES TO HIS FAMILY ON HIS PASSING

SPEECH OF

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2002

Mr. EHRLICH. Mr. Speaker, I rise today in support of House Resolution 538, honoring Johnny Unitas on his passing.

Like a lot of kids growing up in Baltimore in the 1960s, I always imagined myself playing alongside Johnny Unitas on Sunday afternoon at Memorial Stadium. Never did I imagine that, later in life, I would count the greatest quarterback of all time as a dear friend.

I first met Johnny Unitas when I served in the Maryland State Legislature. He was larger than life; an institution in Baltimore. But he never lost his unique sense of humility and kindness. He always took the time to sign a few autographs or help a young quarterback tighten his spiral.

I played linebacker at the Gilman School in Baltimore and later at Princeton University. The Chicago Bears' Dick Butkus set the standard for how to play linebacker, but Johnny Unitas set the standard for how to play the game.

He defined leadership and sportsmanship for my generation. He made the game of football what it is today. It is no surprise that the career of Johnny Unitas coincides with the popular ascendency of professional football.

The list of his on-the-field accolades is incomparable. He won three league championships, three MVP awards, and made ten Pro Bowl appearances. He retired from the NFL in 1974 as the owner of 22 NFL records, most notably throwing at least one touchdown pass in 47 consecutive games. No player since has even come close to surpassing that feat.

Johnny Unitas is best known for his golden arm, but his greatest gift was a golden heart. He never stopped giving back to his community and his country. He established the Johnny Unitas Golden Arm Educational Foundation to help low-income kids get a college education. He was a tireless supporter of cystic fibrosis research. He and his wife Sandra fought admirably to help victims of sexual assault and domestic violence. Through charitable efforts that are bound to thrive even after his passing, his spirit of compassion lives on in the City of Baltimore and the nation.

Mr. Speaker, it is my pleasure to introduce House Resolution 538 in honor of my friend Johnny Unitas. The indelible impression he left on the City of Baltimore, my home state of Maryland, and the nation is deserving of today's recognition. He will be missed, but not forgotten. I ask my colleagues to join me in support of this important resolution.

IN HONOR OF REPRESENTATIVE FRANK PALLONE, JR.

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today, as a colleague and friend, to honor Representative FRANK PALLONE, JR. for his tremendous career and his accomplishments for the People of New Jersey. He has always fought the principled battles for the progress of American society. For his efforts, Mr. PALLONE was awarded the Justice for Cyprus award at the Cyprus Federation of America's annual Awards Gala on Saturday, October 5th.

The Honorable FRANK PALLONE was officially sworn in for his seventh term in the US House of Representatives on January 3rd, 2002, winning his reelection with 68 percent of the vote. He has been a very active and dedicated Member of the House throughout his tenure. He is Vice-Chairman for the Communications of the Democratic Policy Committee, a Member of the Democratic Steering Committee, Co-Chairman of the Democratic Task Force on Health Care Reform and the House Democratic Environmental Task Force.

FRANK PALLONE has been recognized time and again for his commitment to the advancement of many issues, including expanding health care access and affordability, protecting the integrity of Medicare and Medicaid, ensuring food safety, protecting the environment and strengthening environmental laws. For his efforts, he was recognized as Legislator of the Year in 2001 by the New Jersey Association of Broadcasters, and Outstanding Legislator of the Year in 1999 by the Veterans of Foreign Wars.

A native of Long Branch, New Jersey, Mr. PALLONE earned an academic scholarship to Middlebury College. After he graduated cum laude, PALLONE received his master's degree in international relations at the Fletcher School of Law and Diplomacy.

FRANK PALLONE and his wife, Sarah, have three children, daughters, Rose Marie and Celeste Teresa, and son, Frank Andrew.

Today, I ask my colleagues to join me in honoring Congressman FRANK PALLONE, JR. for his remarkable leadership in promoting peace and justice in Cyprus.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

October 3, 2002, rollcall vote 437, on approving the journal, I would have voted ''yea''.

RECOGNITION FOR CHIEF DENNIS COMPTON OF MESA, ARIZONA

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. WELDON of Pennsylvania. Mr. Speaker, I would like to recognize Chief Dennis Compton of the Meza, Arizona Fire Department who is retiring after 30 years of dedication and commitment to the fire and emergency services.

Among Congressional Fire Services Caucus leaders, Chief Compton is highly regarded for his character and integrity. He is an individual who has lent an enormous amount of time to the Congressional Fire Services Institute, serving as Chairperson of its National Advisory Committee. Many of the recent successes enjoyed by the fire service bear his imprint.

Chief Compton possesses many outstanding attributes, perhaps none more important than his skills as a coalition builder. We tend to think of the fire service as a unified service. As a former fire chief, myself, I can tell you from personal experiences that it is not. The fire and emergency services must often address internal conflicts that can disrupt progress at both the local and national levels. In either case, I cannot think of anyone more qualified and effective in resolving differences and building coalitions than Chief Compton.

Fortunately, he has reassured the fire service that he will remain an active advocate for public safety causes upon retirement as chief. I will hold him to that promise. At this critical juncture as we discuss proposals for defending our nation against potential acts of terrorism, we need to heed the advise of knowledgeable individuals who can offer sound judgment and guidance on such a critical issue. Chief Compton is such an individual.

However, I have it on good authority, Mr. Speaker, that the reason for Chief Compton's retirement has to do with two passions: his grandson and his Diamondbacks. Apparently he would like to spend more time with both.

In closing, I extend to Chief Compton my congratulations on his retirement and thanks for his immeasurable contributions to our nation's fire and emergency services.

HONORING DONALD BOTT

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. DOOLITTLE. Mr. Speaker, today I wish to honor a dedicated and accomplished educator in Northern California, Mr. Donald Bott. Don was recently named the 2002 National High School Journalism Teacher of the Year by the Dow Jones Newspaper Fund.

When the Newspaper Fund began in 1958, it focused on helping high school journalism teachers achieve their potential in teaching the skills to make their students first-rate journalists. The tradition continues to this day with the Fund's recognition program for outstanding teachers. This year, the Newspaper Fund concluded that Don Bott, who teaches at Amos Alonzo Stagg High School in Stockton, California, represents the nation's best in scholastic media advisers.

Don, who was previously named as one of only five Distinguished Advisors by the Newspaper Fund in 2000, will now have the opportunity to travel to conferences throughout the year, speaking about the importance of offering journalism as a core part of school curriculum.

Don's academic background is exceptional. Over the years, he has earned various degrees and certificates, including a Journalism Educator certificate, a Language Development Specialist certificate, a Single-Subject Secondary Teaching Credential, a Master of Arts decree in English from California State University, Sacramento, and a Bachelor of Arts degree in Literature, with honors, from my alma mater, the University of California, Santa Cruz.

Furthermore, Don has excelled professionally as an educator. Aside from teaching at both the high school and college levels, he has worked to develop standards and curricula in the field of secondary school journalism studies. His peers have recognized his excellence by naming him as a Special Recognition Adviser, San Joaquin A+ Educator, and 1994–95 San Joaquin County Teacher of the Year.

Despite the accolades he has received personally, Don Bott views his work with a measure of modesty. He is quick to point out that the success of Stagg High School's newspaper, The Stagg Line, is a reflection of the talent and commitment of the students who produce it. Not surprisingly, one of his recent students has also received national acclaim. Together, Don and his students have created an award-winning newspaper. Among the honors it has garnered are: eight consecutive NSPA All-Americans, three National Pacemakers, two CSPA Gold Medalists, a Quill and Scroll International First Place, a first-pace state JEANC Best of the West, three first-place NSPA National Best of Show awards, a Journalist Impact Award, and numerous regional awards.

While he is humble about his own role in the newspaper's success, Don is very proud of what his students have achieved in light of their school district's circumstances. Whereas many of the acclaimed student newspapers in the country are produced in affluent schools, The Stagg Line has been a bright spot in a high school that underperforms on standardized tests. This, indeed, is a tribute to a great teacher, inspired students, and hard work.

I congratulate Don Bott for the outstanding work he has done to touch young lives and advance the quality of news journalism. May he and his colleagues continue their great success.

MULEGÉ AND THE FIGHT OF PINEDA

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. HONDA. Mr. Speaker, the relationship between Mexico and the United States of America is stronger than ever before. This relationship has been tested and strengthened throughout their shared history, a history typical of two close neighbors. There have been disputes and agreements, conflicts and truces, all of which have led the two countries to where they stand today: united, both in their

diplomatic relations, and in their efforts to improve the lives of all their citizens.

Fortunately, recent history between our two countries has been resoundingly positive. But in the decades following our countries' declarations of independence, disagreements and conflict were far more commonplace than the diplomacy and cooperation we are accustomed to today. One of these disagreements led to full-scale war, the effects of which have influenced the geography and culture of North America to this day. This war, the Mexican-American War of 1846–48, was characterized by fierce battles, tense stand-offs, and from both countries, overwhelming national pride.

In 1847, in Mulegé, there was one such conflict that today is honored as the embodiment of Mexican national pride. Shortly after the beginning of the war, United States forces set out to isolate Baja Mexico from the mainland and to make the pueblos neutral in order to pacify the populace and prepare them for eventual U.S. rule. Mulegé was one such targeted pueblo. When hearing of the U.S. encroachment into the Baja, government officials in Mexico City dispatched a group of officers led by Captain Manuel Pineda to establish a military presence in the region. Captain Pineda arrived in Mulegé by September of 1847, and set to work assembling a group of Baja locals to help him resist the advancing U.S. forces. In response to Pineda's mobilization, the U.S. military officials sent the sloop Dale to Mulegé, under the command of Thomas Selfridge. Once arrived, Selfridge sent ashore a letter to Pineda and his men warning against any agitation. Pineda, undeterred, responded that he would defend his country to the end.

On October 2nd, 1847, Commander Selfridge sent some 75 sailors and marines ashore to attack the defenders of Mulegé. Outnumbered and outgunned, Pineda and his men exchanged fire with the advancing Americans from opposite banks of the creek leading up to the pueblo. Although neither side suffered casualties, the intensity of the firefight was enough to repel Selfridge's men, marking the first military success for the Mexican Army in the war. Pineda's success began a swelling of public support, and he and his men would go on to fight many more battles until his capture in March of 1848, at the very end of the war. Pineda had many successes during his military career, but none were as courageous and inspiring as his stand at Mulegé.

Mr. Speaker, I rise today to acknowledge not only this historical event, but also the shared history of the United States of America and Mexico. Many good men from both countries have fought and died in the name of patriotism, and today, both countries are stronger for it. Through times of peace and war, our countries now find themselves more closely allied than ever before. I am sure the future will serve to strengthen that bond.

HONORING AIR FORCE MAJOR JAMES G. CUSIC III

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing Air Force Major James G. Cusic III, a constituent of mine from Fairview Heights, Illinois.

Major Cusic is receiving a Certificate of Merit from the American Red Cross for his actions on September 11, 2001. This is the highest award the organization gives for someone who saves or sustains a life with skills that were learned in an American Red Cross safety course.

The attacks on the World Trade Center and the Pentagon on September 11, 2001 made this perhaps the most tragic day in our nation's history. However, the day could have been even more catastrophic if it were not for the efforts of men and women such as Major Cusic.

On the morning of September 11, Major Cusic saw the news of the attacks on the World Trade Center from his Pentagon office. As he watched, he began to feel the floor shake below him, and the television reported that a third plane had been used as a weapon. This time, the target was the Pentagon. A voice came on the Pentagon intercom with a message to evacuate the building.

As the news came that a second hijacked plane might be headed toward Washington, Major Cusic cleared all the rooms in his area of the building to make sure everyone had exited. Next, he assisted five of the approximately 65 patients that were being treated at the Air Force Pararescue triage site.

Major Cusic volunteered to reenter the building as one of five leaders of a 20-person team to provide medical treatment for survivors in the building. He was responsible for providing treatment for life threatening injuries. Major Cusic aided one man who had a severe scalp laceration and a spinal injury. He assisted another man who suffered from severe burns on his face and neck and was experiencing difficulty breathing.

Later in the evening, Major Cusic's heroic actions were needed once again. A firefighter that had entered the building as part of the rescue effort collapsed from heat exhaustion and an erratic pulse. Once again, Major Cusic provided the treatment necessary under extreme circumstances.

Major Cusic maintained clarity of mind throughout the day on September 11 and should be commended for his actions in the face of adversity. At the end of the day, he was directly involved in saving three lives and in caring for two more people with severe injuries. In addition, he provided invaluable encouragement to other survivors and those involved with the rescue effort.

Mr. Speaker, I ask my colleagues to join me in honoring Major Cusic and to wish him all the best in the future for him and his family.

A PROCLAMATION RECOGNIZING TAMI LONGABERGER

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. NEY. Mr. Speaker, whereas, Tami Longaberger, president and chief executive officer of The Longaberger Company, has been selected to attend the Helsinki Women Business Leaders Summit in Helsinki, Finland; and

Whereas, Tami Longaberger has also been chosen to serve as chairwoman of the U.S. executive committee during the Helsinki Summit; and

Whereas, Tami Longaberger time and again has proven herself to be a remarkable business leader and role model; and

Whereas, Tami Longaberger is to be commended for her tireless efforts, dedication and devotion to the cause of bridging cultural differences and building business cooperation across the globe.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in recognizing Tami Longaberger for her leadership role at the Helsinki Women Business Leaders Summit.

COMMEMORATING THE 42D ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF CYPRUS

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 7, 2002

Mr. SHERMAN. Mr. Speaker, last week, we commemorated the 42d anniversary of the Independence of the Republic of Cyprus. In 1960, Cyrus claimed sovereignty over its territory following 80 years of British colonial rule, and since that time, it has been a close friend of the United States.

Cyprus now stands as the leading candidate country for membership in the European Union (EU). On September 30th 2002, the EU's Enlargement Commissioner stated that Cyprus complies with all political and economic conditions required for membership. The Government-controlled areas of Cyprus enjoy an atmosphere of economic prosperity and political freedom, allowing its people to enjoy one of the highest standards of living in the world.

Unfortunately, the northern portions of the island have been occupied by Turkish troops for more than 28 years, and an illegitimate government was set up there to rule an illegitimate state that only Turkey has recognized. As many as 35,000 Turkish troops remain to keep this government viable.

The United States must maintain pressure on the Turkish side to end its illegal occupation of Cyprus and allow the people of that island to resolve the problem without outside interference. Too often, Turkey seeks to use its occupation as a veto over the legitimate aspirations of the Cyprus government, including its bid to join the EU.

EU accession will have immeasurable benefits for the people of Cyprus, both Greek and Turkish, and will serve as a catalyst for peaceful resolution of the conflict. Unfortunately, not everyone believes that the accession of Cyprus to the EU is a good idea. In fact, Turkey and its illegitimate child, the Turkish Republic of Northern Cyprus, have opposed Cyprus' membership in the EU on the grounds that this would allow Cyprus in turn to veto Turkey's EU membership bid. It is my belief that the reunification of Cyprus would serve the interests of all parties. The EU has rightfully stated that a resolution to the division of Cyprus is by no means a precondition to its accession to the EU, and I am proud that the United States has taken the same position.

Mr. Speaker, I urge my colleagues to commemorate the 42d anniversary of the Independence of Cyprus and to work for the peaceful resolution of the division of the island and its successful accession to the EU.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Monday, October 7, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 8

9 a.m.
Governmental Affairs
To hold hearings to examine the nominations of Ruth Y. Goldway, of California, to be a Commissioner of the Postal Rate Commission; and Tony Hammond, of Virginia, to be a Commissioner of the Postal Rate Commission for the remainder of the term expiring October 14,2004.
SD–342

9:30 a.m.
Environment and Public Works
To hold oversight hearings to examine the current implementation of the Clean Water Act.
SD–406

10 a.m.
Judiciary
Business meeting to consider pending calendar business.
SD–226

Intelligence
To resume joint hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001.
SH–216

Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings to examine the current system of regulation of the herb ephedra and oversight of dietary supplements.
SD–342

Banking, Housing, and Urban Affairs
To hold oversight hearings to examine perspectives on America's transit needs.
SD–538

2 p.m.
Judiciary
To hold hearings to examine the Feres Doctrine focusing on the examination of military exception to the Federal Torts Claims Act.
SD–226

Banking, Housing, and Urban Affairs
Business meeting to consider the nominations of Armando J. Bucelo, Jr., of Florida, to be a Director of the Securities Investor Protection Corporation; Alberto Faustino Trevino, of California, to be an Assistant Secretary of Housing and Urban Development; Philip Merrill, of Maryland, to be President of the Export-Import Bank of the United States; Carolyn Y. Peoples, of Maryland, to be an Assistant Secretary of Housing and Urban Development; Deborah Doyle McWhinney, of California, to be a Director of the Securities Investor Protection Corporation; John M. Reich, of Virginia, to be Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation; and Rafael Cuellar, of New Jersey, and Michael Scott, of North Carolina, both to be a Member of the Board of Directors of the National Consumer Cooperative Bank.
S–216 Capitol

2:15 p.m.
Foreign Relations
Business meeting to consider S. 2667, to amend the Peace Corps Act to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government; H.R. 3656, to amend the International Organizations Immunities Act to provide for the applicability of that Act to the European Central Bank; H.R. 4073, to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and pending nominations and treaties.
S–116, Capitol

OCTOBER 9

Time to be announced
Health, Education, Labor, and Pensions
Business meeting to consider the nomination of Mark B. McClellan, of the District of Columbia, to be Commissioner of Food and Drugs, Department of Health and Human Services.
Room to be announced

9 a.m.
Foreign Relations
To hold hearings to examine the nominations of John Randle Hamilton, of North Carolina, to be Ambassador to the Republic of Guatemala; John F. Keane, of Virginia, to be Ambassador to the Republic of Paraguay; and David N. Greenlee, of Maryland, to be Ambassador to the Republic of Bolivia.
S–116, Capitol

9:30 a.m.
Armed Services
Closed business meeting to consider pending military nominations.
SR–222

10 a.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine new laws implemented by the Administration in the fight against terrorism.
SD–226

Finance
To hold hearings to examine the financial war on terrorism focusing on new money trails.
SD–215

10:15 a.m.
Foreign Relations
To hold hearings to examine the G8 global partnership against the spread of weapons and materials of mass destruction (10 + 10 Over 10).
SD–419

10:30 a.m.
Conferees
Closed meeting of conferees on H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003.
HC–5 Capitol

2:30 p.m.
Banking, Housing, and Urban Affairs
Housing and Transportation Subcommittee
To hold oversight hearings to examine affordable housing preservation.
SD–538

OCTOBER 10

9:30 a.m.
Armed Services
Personnel Subcommittee
To hold hearings to examine the Department of Defense's inquiry into Project 112/ShipboardHazard and Defense (SHAD) tests.
SR–232A

10 a.m.
Commission on Security and Cooperation in Europe
To hold hearings to examine U.S. policy toward the Organization for Security and Cooperation in Europe.
334, Cannon Building

2:15 p.m.
Judiciary
Crime and Drugs Subcommittee
To hold hearings to examine protecting seniors from fraud.
SD–226

POSTPONEMENTS

OCTOBER 8

10 a.m.
Judiciary
Constitution Subcommittee
To hold hearings to examine the detention of U.S. citizens.
SD–226

2:30 p.m.
Banking, Housing, and Urban Affairs
International Trade and Finance Subcommittee
To hold oversight hearings to examine instability in Latin America focusing on U.S. policy and the role of the international community.
SD–538

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S10001–S10054

Measures Introduced: Six bills and two resolutions were introduced, as follows: S. 3063–3068, S. Res. 335, and S. Con. Res. 150. **Page S10040**

Measures Passed:

Relative to the Death of Former Secretary of the Senate Jo-Anne Coe: Senate agreed to S. Res. 335, relative to the death of Jo-Anne Coe. **Pages S10052–53**

Welcoming Queen Sirikit of Thailand: Senate agreed to S. Con. Res. 150, welcoming Her Majesty, Queen Sirikit of Thailand on her visit to the United States. **Page S10053**

Further Resolution on Iraq: Senate resumed consideration of S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq. **Pages S10006–31**

A unanimous-consent agreement was reached providing for further consideration of the resolution at 10 a.m., on Tuesday, October 8, 2002. **Pages S10053–54**

Measures Placed on Calendar: **Page S10040**

Additional Cosponsors: **Pages S10040–41**

Statements on Introduced Bills/Resolutions: **Pages S10041–52**

Additional Statements: **Pages S10039–40**

Authority for Committees to Meet: **Page S10052**

Privilege of the Floor: **Page S10052**

Adjournment: Senate met at 11:59 a.m., and adjourned at 6:15 p.m., until 9 a.m., on Tuesday, October 8, 2002.

Committee Meetings

(Committees not listed did not meet)

NOMINATION

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings on the nomination of Mark B. McClellan, of the District of Columbia, to be Commissioner of Food and Drugs, Department of Health and Human Services, after the nominee testified and answered questions in his own behalf.

NOMINATIONS

Committee on the Judiciary: Committee concluded hearings to examine the nominations of Rosemary M. Collyer, of Maryland, to be United States District Judge for the District of Columbia, Mark E. Fuller, to be United States District Judge for the Middle District of Alabama, Robert G. Klausner, to be United States District Judge for the Central District of California, Robert B. Kugler, to be United States District Judge for the District of New Jersey, Ronald B. Leighton, to be United States District Judge for the Western District of Washington, Jose L. Linares, to be United States District Judge for the District of New Jersey, William E. Smith, to be United States District Judge for the District of Rhode Island, after the nominees testified and answered questions in their own behalf. Mr. Fuller was introduced by Senators Shelby and Sessions. Mr. Smith was introduced by Senator Chafee.

House of Representatives

Chamber Action

Measures Introduced: 13 public bills, H.R. 5556–5568; and 6 resolutions, H.J. Res. 116–118; and H. Con. Res. 500–502, were introduced.

Pages H7171–72

Reports Filed: Reports were filed today as follows:

Supplemental report on H.R. 5400, to authorize the President of the United States to agree to certain amendments to the Agreement between the Government of the United States of America and the Government of the United Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank (H. Rept. 107–720, Pt. 2);

H.J. Res. 114, to authorize the use of United States Armed Forces against Iraq, amended (H. Rept. 107–721);

H.R. 5559, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2003 (H. Rept. 107–722);

H.R. 5422, to prevent child abduction, amended (H. Rept. 107–723, Pt. 1);

H. Res. 574, providing for the consideration of H.J. Res. 114, to authorize the use of United States Armed Forces against Iraq (H. Rept. 107–724);

H.R. 4701, to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission, amended (H. Rept. 107–725);

H.R. 5504, to provide for the improvement of the safety of child restraints in passenger motor vehicles, amended (H. Rept. 107–726);

H.R. 2037, to amend the Act establishing the Department of Commerce to protect manufacturers and sellers in the firearms and ammunition industry from restrictions on interstate or foreign commerce, amended (H. Rept. 107–727, Pt. 1); and

H.R. 3580, to amend the Federal Food, Drug, and Cosmetic Act to make improvements in the regulation of medical devices, amended (H. Rept. 107–728). **Page H7171**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative to act as Speaker pro tempore for today. **Page H7021**

Recess: The House recessed at 9:32 a.m. and reconvened at 11 a.m. **Page H7021**

Recess: The House recessed at 11:50 a.m. and reconvened at 1:05 p.m. **Page H7028**

Recess: The House recessed at 3:33 p.m. and reconvened at 4:03 p.m. **Page H7058**

Security of Wastewater Treatment Works: H.R. 5169, to amend the Federal Water Pollution Control Act to enhance the security of wastewater treatment works. **Pages H7022–24**

Mortgage Servicing Clarification: H.R. 163, amended, to amend the Fair Debt Collection Practices Act to exempt mortgage servicers from certain requirements of the Act with respect to federally related mortgage loans secured by a first lien;

Pages H7024–27

Truth in Lending Inflation Adjustment: H.R. 5507, to amend the Truth in Lending Act to adjust the exempt transactions amount for inflation;

Pages H7027–28

Protection of Privacy by Federal Agencies: H.R. 4561, to amend title 5, United States Code, to require that agencies, in promulgating rules, take into consideration the impact of such rules on the privacy of individuals; **Pages H7030–33**

National Community Role Models Week: H. Con. Res. 409, supporting the goals and ideals of National Community Role Models Week;

Pages H7033–34

Augustus F. Hawkins Post Office, Los Angeles, California: H.R. 2578, to redesignate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the ''Augustus F. Hawkins Post Office Building;''

Pages H7034–36

Francis Dayle "Chick" Hearn Post Office, Encino, California: H.R. 5340, to designate the facility of the United States Postal Service located at 5805 White Oak Avenue in Encino, California, as the ''Francis Dayle 'Chick' Hearn Post Office;''

Pages H7036–38

Support for the President's 2002 National Drug Control Strategy: H. Res. 569, expressing support for the President's 2002 National Drug Control Strategy to reduce illegal drug use in the United States; **Pages H7038–41**

Accountability of Tax Dollars: H.R. 4685, amended, to amend title 31, United States Code, to expand the types of Federal agencies that are required to prepare audited financial statements;

Pages H7041–43

Statutory License for Webcasting: H.R. 5469, amended, to suspend for a period of 6 months the

determination of the Librarian of Congress of July 8, 2002, relating to rates and terms for the digital performance of sound recordings and ephemeral recordings. Agreed to amend the title so as to read : "A bill to amend title 17, United States Code, with respect to the statutory license for webcasting.";

Pages H7043–48

Commemorative Quarters for the District of Columbia and Territories: H.R. 4005, to provide for a circulating quarter dollar coin program to commemorate the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Island;

Pages H7053–56

Catch-Up Contributions to the Thrift Savings Plan: H.R. 3340, amended, to amend title 5, United States Code, to allow certain catch-up contributions to the Thrift Savings Plan to be made by participants age 50 or over (agreed to by a yea-and-nay vote of 372 yeas with none voting "nay," Roll No. 442); **Pages H7056–58, H7130**

Miscellaneous Trade and Technical Corrections: H.R. 5385, amended, to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws;

Pages H7058–H7102

War in Sudan: H.R. 5531, amended, to facilitate famine relief efforts and a comprehensive solution to the war in Sudan (agreed to by 2/3 yea-and-nay vote of 359 yeas to 8 nays, Roll No. 443);

Pages H7102–08, H7130–31

Russian Democracy Act: Agreed to the Senate amendments to H.R. 2121, to make available funds under the Foreign Assistance Act of 1961 to expand democracy, good governance, and anti-corruption programs in the Russian Federation in order to promote and strengthen democratic government and civil society in that country and to support independent media society in that country and to support independent media—clearing the measure for the President; **Pages H7109–12**

Transatlantic Security and NATO Enhancement: H. Res. 468, amended, affirming the importance of the North Atlantic Treaty Organization (NATO), supporting continued United States participation in NATO, and ensuring that the enlargement of NATO proceeds in a manner consistent with United States interests (agreed to by a 2/3 yea-and-nay vote of 356 yeas to 9 nays with 1 voting present, Roll No. 444); **Pages H7112–17, H7131–32**

Integration of Lithuania, Latvia, and Estonia into NATO: H. Con. Res. 116, recommending the integration of Lithuania, Latvia, and Estonia into the North Atlantic Treaty Organization (NATO);

Pages H7117–19

Integration of Slovakia into NATO: H. Res. 253, amended, recommending the integration of the Republic of Slovakia into the North Atlantic Treaty Organization (NATO). Agreed to amend the title so as to read: "Resolution recommending the integration of the Slovak Republic into the North Atlantic Treaty Organization (NATO)."; **Pages H7119–22**

Veterans Compensation Cost of Living Adjustment: Agree to the Senate amendments to H.R. 4085, to increase, effective as of December 1, 2002, 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—clearing the measure for the President; **Pages H7122–24**

Increase in Amounts Available to States that Determine Qualifications of Montgomery GI Bill Educational Institutions: H.R. 3731, amended, to amend title 38, United States Code, to increase amounts available to State approving agencies to ascertain the qualifications of educational institutions for furnishing courses of education to veterans and eligible persons under the Montgomery GI Bill and under other programs of education administered by the Department of Veterans Affairs. Agreed to amend the title so as to read: "To amend title 38, United States Code, to increase amounts available to State approving agencies to ascertain the qualifications of educational institutions for furnishing courses of education to veterans and eligible persons under the Montgomery GI Bill and under other programs of education administered by the Department of Veterans Affairs, and for other purposes.";

Pages H7124–25

Honoring the Officers and Crew of the World War II Liberty Ship, S.S. Henry Bacon: H. Con. Res. 411, amended, recognizing the exploits of the officers and crew of the S.S. *Henry Bacon,* a United States Liberty ship that was sunk on February 23, 1945, in the waning days of World War II. Agreed to amend the title so as to read: **Pages H7125–27**

Recognizing Commodore John Barry as the First Flag Officer of the United States Navy: H.J. Res. 6, amended, recognizing Commodore John Barry as the first flag officer of the United States Navy;

Pages H7127–28

Honoring the Army Aviation Heritage Foundation: H. Con. Res. 465, amended, recognizing, applauding, and supporting the efforts of the Army Aviation Heritage Foundation, a nonprofit organization incorporated in the State of Georgia, to utilize

veteran aviators of the Armed Forces and former Army Aviation aircraft to inspire Americans and to ensure that our Nation's military legacy and heritage of service are never forgotten; **Pages H7128–29**

Contributions of the Trucking, Rail, and Passenger Transit Industries to the Economic Well Being of the United States: H. Res. 567, recognizing the importance of surface transportation infrastructure to interstate and international commerce and the traveling public and the contributions of the trucking, rail, and passenger transit industries to the economic well being of the United States. Agreed to amend the title so as to read: ''Resolution recognizing the importance of surface transportation infrastructure to interstate and international commerce and the traveling public and the contributions of the trucking, rail, intercity bus, and passenger transit industries to the economic well being of the United States.''; **Pages H7133–35**

Tony Hall Federal Building and Courthouse, Dayton, Ohio: H.R. 5335, to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the ''Tony Hall Federal Building and United States Courthouse;'' **Pages H7141–43**

Protection of the Privacy Rights of Home Schooled Children: H.R. 5331, to amend the General Education Provisions Act to clarify the definition of a student regarding family educational and privacy rights; **Pages H7143–44**

Joe Skeen Federal Building, Roswell, New Mexico: H.R. 5427, to designate the Federal building located at Fifth and Richardson Avenues in Roswell, New Mexico, as the ''Joe Skeen Federal Building;'' **Pages H7148–50**

Santiago E. Campos United States Courthouse, Santa Fe, New Mexico: H.R. 5083, to designate the United States courthouse at South Federal Place in Santa Fe, New Mexico, as the ''Santiago E. Campos United States Courthouse;'' **Pages H7150–51**

Wayne Lyman Morse United States Courthouse, Eugene, Oregon: H.R. 2672, to designate the United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, as the ''Wayne Lyman Morse United States Courthouse;'' **Pages H7151–53**

Suspensions—Proceedings Postponed: The House completed debate on the following motions to suspend the rules. Further proceedings were postponed until Tuesday, Oct. 8.

Affirming One Nation Under God in the Pledge of Allegiance: S. 2690, amended, to reaffirm the reference to one Nation under God in the Pledge of Allegiance; **Pages H7028–29**

Child Abduction Prevention: H.R. 5422, amended, to prevent child abduction; **Pages H7048–53**

Appreciation for the Loyalty and Leadership of Prime Minister Blair: H. Res. 549, expressing appreciation for the Prime Minister of Great Britain for his loyal support and leadership in the war on terrorism and reaffirming the strong relationship between the people of the United States and Great Britain; **Pages H7136–41**

Black Lung Consolidation of Administrative Responsibility: H.R. 5542, amended, to consolidate all black lung benefit responsibility under a single official; **Pages H7144–46**

Citing Title IX as the Patsy T. Mink Equal Opportunity in Education Act: H.J. Res. 113, amended, recognizing the contributions of Patsy T. Mink; **Pages H7146–48**

Medical Device Amendments: H.R. 3580 amended, to amend the Federal Food, Drug, and Cosmetic Act to make improvements in the regulation of medical devices; and **Pages H7153–64**

Armed Forces Tax Fairness Act: H.R. 5557, to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and Foreign Service in determining the exclusion of gain from the sale of a principal residence and to restore the tax exempt status of death gratuity payments to members of the uniformed services. **Pages H7164–67**

Supplemental Report: The Committee on Energy and Commerce received permission to file a supplemental report on H.R. 3580, to amend the Federal Food, Drug, and Cosmetic Act to make improvements in the regulation of medical devices. **Page H7153**

Expansion of Renewal Communities: The House passed H.R. 3100, to amend the Internal Revenue Code of 1986 to allow for the expansion of areas designated as renewal communities based on 2000 census data. **Pages H7132–33**

Senate Messages: Message received from the Senate appears on page H7021.

Referrals: S. 1210, was referred to the Committee on Financial Services, S. 1806, was referred to the Committee on Energy and Commerce, S. 2064, was referred to the Committees on Education and the Workforce and Resources, and S. Con. Res. 139, was held at the desk. **Page H7169**

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of the House today

and appear on pages H7130, H7130–31, and H7131–32. There were no quorum calls.

Adjournment: The House met at 9:30 a.m. and adjourned at 10:23 p.m. **Page H**

Committee Meetings

AUTHORIZING USE OF U.S. ARMED FORCES AGAINST IRAQ

Committee on Rules: Committee granted, by voice vote, a structured rule on H.J. Res. 114, Authorization for the use of Military Forces Against Iraq, providing 17 hours of debate in the House equally divided and controlled between the chairman and ranking minority member of the Committee on International Relations. The rule provides that it shall be in order for the Majority Leader or his designee, after consultation with the Minority Leader, to move to extend debate on the joint resolution and that such motion shall not be subject to debate or amendment. The rule waives all points of order against consideration of the joint resolution. The rule provides that the amendment to the preamble and the amendment to the text recommended by the Committee on International Relations now printed in the joint resolution shall be considered as adopted. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read and shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent. The rule waives all points of order against such amendments. The rule provides for one final hour of debate on the joint resolution, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations after the consideration of the amendments. The rule provides one motion to recommit with or without instructions. Finally, the rule provides that during consideration of H.J. Res. 114, the Chair may postpone further consideration of the joint resolution to a time designated by the Speaker, either on the same legislative day or on the next legislative day. Testimony was heard from Chairman Hyde and Representatives Berman, Menendez, Davis of Florida, Spratt, Levin, Cardin, Price of North Carolina, Inslee, Allen of Maine, Snyder and Larson of Connecticut.

COMMITTEE MEETINGS FOR TUESDAY, OCTOBER 8, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: to hold oversight hearings to examine perspectives on America's transit needs, 10 a.m., SD–538.

Full Committee, business meeting to consider the nominations of Armando J. Bucelo, Jr., of Florida, to be a Director of the Securities Investor Protection Corporation; Alberto Faustino Trevino, of California, to be an Assistant Secretary of Housing and Urban Development; Philip Merrill, of Maryland, to be President of the Export-Import Bank of the United States; Carolyn Y. Peoples, of Maryland, to be an Assistant Secretary of Housing and Urban Development; Deborah Doyle McWhinney, of California, to be a Director of the Securities Investor Protection Corporation; John M. Reich, of Virginia, to be Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation; and Rafael Cuellar, of New Jersey, and Michael Scott, of North Carolina, both to be a Member of the Board of Directors of the National Consumer Cooperative Bank, 2 p.m., S–216, Capitol.

Committee on Environment and Public Works: to hold oversight hearings to examine the current implementation of the Clean Water Act, 9:30 a.m., SD–406.

Committee on Foreign Relations: business meeting to consider S. 2667, to amend the Peace Corps Act to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government; H.R. 3656, to amend the International Organizations Immunities Act to provide for the applicability of that Act to the European Central Bank; H.R. 4073, to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and pending nominations and treaties, 2:15 p.m., S–116, Capitol.

Committee on Governmental Affairs: to hold hearings to examine the nominations of Ruth Y. Goldway, of California, to be a Commissioner of the Postal Rate Commission; and Tony Hammond, of Virginia, to be a Commissioner of the Postal Rate Commission for the remainder of the term expiring October 14, 2004, 9 a.m., SD–342.

Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia, to hold hearings to examine the current system of regulation of the herb ephedra and oversight of dietary supplements, 10 a.m., SD–342.

Select Committee on Intelligence: to resume joint hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 10 a.m., SH–216.

Committee on the Judiciary: business meeting to consider pending calendar business, 10 a.m., SD–226.

Full Committee, to hold hearings to examine the Feres Doctrine focusing on the examination of military exception to the Federal Torts Claims Act, 2 p.m., SD–226.

House

Committee on Armed Services, Special Oversight Panel on the Merchant Marine, hearing on the Department of Defense's current and projected requirements for vessels operating under the Maritime Security Program, 9 a.m., 2212 Rayburn.

Committee on Education and the Workforce, Subcommittee on Education Reform, hearing on Literacy Partnerships That Work, 10 a.m., 2175 Rayburn.

Subcommittee on Employer-Employee Relations, hearing on Emerging Trends in Employment and Labor-Law: Labor-Management Relations in a Global Economy, 1:30 p.m., 2175 Rayburn.

Committee on Financial Services, Subcommittee on Oversight and Investigations, hearing entitled ''Catastrophic Bonds: Spreading Risk,'' 2 p.m., 2128 Rayburn.

Committee on Government Reform, Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, oversight hearing on ''The Use and Abuse of Government Credit Cards at the Department of the Navy,'' 2 p.m., 2247 Rayburn.

Subcommittee on National Security, Veterans' Affairs and International Relations, hearing on Are We Listening to the Arab Street? 10 a.m., 2154 Rayburn.

Committee on the Judiciary, Subcommittee on Crime, Terrorism and Homeland Security, hearing on H.R. 2929, Bail Bond Fairness Act of 2001, 4 p.m., 2237 Rayburn.

Committee on Resources, to mark up the following bills: H.R. 2202, Lower Yellowstone Reclamation Projects Conveyance Act; H.R. 4601, to provide for the conveyance of a small parcel of Bureau of Land Management land in Douglas County, Oregon, to the county to improve management of and recreational access to the Oregon Dunes National Recreation Area; H.R. 4912, to increase the penalties to be imposed for a violation of fire regulations applicable to the public lands, National Park System lands, or National Forest System lands when the violation results in damage to public or private property, to specify the purpose for which collected fines may be used; H.R. 5200, Clark County Conservation of Public Land and Natural Resources Act of 2002; H.R. 5319, Healthy Forests Reform Act of 2002; and H.R. 5399, Carpinteria and Montecito Water Distribution Systems Conveyance Act of 2002; and to discuss the Comprehensive Natural Resources Protection Act, 10 a.m., 1324 Longworth.

Committee on Transportation and Infrastructure, Subcommittee on Highways and Transit, hearing on H.R. 5455, Expediting Project Delivery to Improve Transportation and the Environment Act, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, to mark up the following bills: H.R. 5558, Retirement Savings and Security Act of 2002; and H.R. 1619, to amend the Internal Revenue Code of 1986 to increase the limitation on capital losses applicable to individuals, 10 a.m., 1100 Longworth.

Joint Meetings

Joint Meetings: Senate Select Committee on Intelligence, to resume joint hearings with the House Permanent Select Committee on Intelligence to examine events surrounding September 11, 2001, 10 a.m., SH–216.

Next Meeting of the SENATE

9 a.m., Tuesday, October 8

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond 10 a.m.), Senate will continue consideration of S.J. Res. 45, to authorize the use of United States Armed Forces against Iraq.

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

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Tuesday, October 8

House Chamber

Program for Tuesday: Consideration of H.J. Res. 114, Authorization for the Use of Military Force Against Iraq (structured rule, 17 hours of debate).

Extensions of Remarks, as inserted in this issue

HOUSE

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Weldon, Curt, Pa., E1773

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